

No. 14700

United States
Court of Appeals
for the Ninth Circuit

NATIONAL LABOR RELATIONS BOARD,
Petitioner,
vs.
IDAHO EGG PRODUCERS, Appellee.

Transcript of Record

Petition for Enforcement of an Order of The National Labor
Relations Board

FILED

AUG 30 1955

PAUL P. O'BRIEN, CLERK

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GENERAL COUNSEL'S EXHIBIT No. 1-D

United States of America

Before the National Labor Relations Board

Nineteenth Region

Case No. 19-CA-924

IDAHO EGG PRODUCERS

and

TEAMSTERS, CHAUFFEURS, WAREHOUSE-
MEN AND HELPERS UNION, LOCAL 983,
AFL

COMPLAINT

It having been charged by Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local 983, AFL, hereinafter called the Union, that Idaho Egg Producers Coop Marketing Association, at Pocatello, Idaho, has engaged in and is now engaging in unfair labor practices affecting commerce as set forth in the Labor-Management Relations Act of 1947, 61 Stat. 136, hereinafter called the Act, the General Counsel of the National Labor Relations Board, on behalf of said Board, by the Regional Director for the Nineteenth Region, acting pursuant to the Board's Rules and Regulations, Series 6, as amended, Section 102.15, hereby issues this Complaint and alleges as follows:

I.

Idaho Egg Producers Coop Marketing Association, hereinafter called Respondent, is and at all times herein alleged was a corporation organized

and existing by virtue of the laws of the State of Idaho, engaged in marketing eggs and poultry and purchasing feed and feed supplies for its members. Respondent has plants in Caldwell, Twin Falls, Boise and Payette, Idaho, including one at Pocatello, Idaho, which is alone involved in this proceeding.

II.

Respondent, in the course and conduct of its business and at all times herein alleged, continuously has purchased for use at its Pocatello, Idaho, plant raw materials, supplies and equipment valued at about \$800,000 annually, of which about 20 per cent has been shipped directly and 80 per cent indirectly to the plant from suppliers located outside the State of Idaho, and continuously has marketed and shipped from its Pocatello plant products valued at about \$1,000,000 annually, of which 40 per cent is sold and shipped from the Pocatello plant to points without the State of Idaho and 60 per cent is sold and shipped to customers within the State of Idaho who are themselves engaged in commerce within the meaning of the Act.

III.

Respondent is, and has been at all times material hereto, engaged in commerce within the meaning of the Act.

IV.

The Union is a labor organization within the meaning of Section 2(5) of the Act.

V.

All employees including truck drivers employed by Respondent at its Pocatello, Idaho, plant, but excluding all office clerical employees and all guards, professional employees, and supervisors as defined in the Act, constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act.

VI.

The Union was on or about September 22, 1953, and has been at all times thereafter, and is now, the exclusive bargaining representative of Respondent's employees in the unit described in paragraph V, above, within the meaning of Section 9(a) of the Act.

VII.

Commencing on or about September 22, 1953, and at all times thereafter, Respondent, by its officers and agents, failed and refused and continues to fail and refuse to bargain collectively in good faith with the Union as the exclusive representative of its employees in the unit described in paragraph V, above.

VIII.

Respondent, commencing on or about September 22, 1953, and at all times thereafter, by its officers and agents, interfered with, restrained and coerced, and is now interfering with, restraining and coercing its employees in the exercise of the rights guaranteed them by Section 7 of the Act by:

(a) Branch Manager C. C. Slayden, on or about

September 24 and 25, 1953, questioning and interrogating its employees in regard to knowledge of the Union and instigation of the Union, and accusing employees of instigating the Union;

(b) Branch Manager C. C. Slayden, on or about September 24, 25, and 26, 1953, threatening employees individually and collectively with loss of existing holidays, Christmas bonus, and other privileges and benefits in the event the Union were successful in coming into the plant;

(c) Branch Manager C. C. Slayden, on or about September 24, 25, and 26, 1953, promising Saturdays off, shorter hours, and more overtime to its employees in the event the Union were unsuccessful in organizing its employees and if the employees were to withdraw their sympathy for, or membership in, and cease their activities on behalf of the Union;

(d) Branch Manager C. C. Slayden, on or about September 26, 1953, offering employees paid time off and free transportation to the Union hall, and actually giving paid time off and free transportation to the Union hall in order to coerce employees to withdraw their application cards from the Union;

(e) Branch Manager C. C. Slayden, commencing with October 4, 1953, and each Saturday thereafter, giving such Saturdays off to the employees in effectuation of his promise to the employees as stated in paragraph (c).

IX.

By the acts and each of them set forth in para-

graphs VII and VIII, above, Respondent did engage in and is engaging in unfair labor practices within the meaning of Section 8, subsections (a) (1) and (a)(5) of the Act.

X.

The activities of Respondent as described in paragraphs VII and VIII, above, occurring in connection with the operations of Respondent as described in paragraphs I and II, above, have a close, intimate and substantial relation to trade, traffic and commerce among the several states of the United States, and have led to and tend to lead to labor disputes burdening and obstructing commerce and the free flow of commerce.

XI.

The aforementioned acts and conduct of Respondent constitute unfair labor practices affecting commerce within the meaning of Section 8, subsections (a)(1) and (a)(5), and Section 2, subsections (6) and (7) of the Act.

Wherefore, the General Counsel of the National Labor Relations Board, on behalf of the Board, on this 12th day of January, 1954, issues this Complaint against Idaho Egg Producers Coop Marketing Association, Pocatello, Idaho, the Respondent herein.

/s/ THOMAS P. GRAHAM, JR.,

Regional Director National Labor Relations Board,
Region 19

[Title of Board and Cause.]

GENERAL COUNSEL'S EXHIBIT No. 2

ANSWER TO COMPLAINT

Comes now the Respondent, Idaho Egg Producers Coop Marketing Association, and for its Answer to Complaint specifically denies each and every allegation in the Complaint except as hereinafter admitted, qualified or explained.

I.

Respondent admits Paragraphs I and II of the Complaint. Respondent has no knowledge with reference to Paragraph IV of the Complaint and therefore neither admits nor denies the same. Respondent admits Paragraph V of the Complaint. Respondent denies Paragraph III.

II.

Respondent denies Paragraph VI of the Complaint and denies that the Union has ever been or is at the present time the bargaining representative of its employees and Respondent alleges that at no time have the employees had an opportunity to make a free choice or selection of their bargaining agent by means of an election as provided by the Act.

Respondent, by way of affirmative defense, alleges that any authorization cards or application blanks for membership in the union obtained from

Respondent's employees were through coercive, threatening and other unlawful means on the part of the union and that said cards or application blanks obtained in this manner are therefore invalid and void and are of no force or effect whatsoever.

IV.

Respondent denies Paragraph VII of the Complaint and in connection therewith alleges that the Respondent has at all times held itself ready to bargain with the duly constituted and selected bargaining representative of its employees providing the same has been selected through an election as provided by law.

V.

Respondent denies Paragraph VIII of the Complaint and specifically denies that it has in any way interfered with, restrained or coerced its employees as provided by Section 7 of the Act and denies Sub-paragraphs (a), (b), (c), (d) and (e) of said Paragraph VIII and Respondent states that with reference to conferences by its Branch Manager C. C. Slayden with its employees, said conferences were merely statements of company policy and expressions of opinions and were not threatening, coercive nor made in the form of promises as prohibited by the Act.

Respondent therefore denies Paragraph IX of the Complaint.

VI.

Respondent denies Paragraphs X and XI of the Complaint.

Wherefore, Respondent asks that the Complaint in the above entitled action be dismissed.

IDAHO EGG PRODUCERS COOP
MARKETING ASSOCIATION

/s/ By E. A. WESTON,
Attorney for Respondent

Duly Verified.

Affidavit of Service by Mail attached.

GENERAL COUNSEL'S EXHIBIT No. 3

Mr. C. C. Slayden September 23, 1953
Idaho Egg Producers, Pocatello, Idaho

Dear Sir:

A majority of your employees has signed authorization slips designating Teamsters Local No. 983 as their bargaining agent regarding wages and conditions of employment. Therefore, we request a meeting with you in the next five days.

Please notify this office to a time that is convenient for you to meet. Return receipt requested.

Yours truly,

/s/ Clarence Lott
Teamsters Local Union No. 983
Clarence Lott, Sec'y-Treas.

CL:hlb

True Copy

GENERAL COUNSEL'S EXHIBIT No. 4

United States of America
National Labor Relations Board

PETITION

* * * * *

Case No. 19-RC-1391. Date filed: 9-24-53. Compliance Status Checked by: 1-1-54 nm.

The Petitioner alleges that the following circumstances exist and requests that the National Labor Relations Board proceed under its proper authority:

1. Purpose of this Petition:

A. [x] RC—Certification of Representatives.—A substantial number of employees wish to be represented for purposes of collective bargaining by Petitioner, and Petitioner desires to be certified as representative of the employees for purposes of collective bargaining, pursuant to Section 9 (a) and (c) of the act.

* * * * *

2. Name of Employer: Idaho Egg Producers Co-op Marketing Assn.

3. Address of Establishment: 1009 South Second, Pocatello, Idaho.

* * * * *

5. Description of Unit Involved:

Included: All employees working at the company's place of business Pocatello, Idaho, including truck drivers.

Excluded: Office clerical and supervisors as defined by the act.

6a. Number of Employees in Unit: Twenty-six.

6b. Number of Employees Supporting this Petition: Nine.

7a. Request for recognition as Bargaining Representative was made on: See enclosed copy of letter.

8. Recognized or Certified Bargaining Agent: None.

9. Date of Expiration of Current Contract, if any: No contract.

* * * * *

11. Parties or Organizations which have claimed recognition as Representatives: None.

12. Other Unions interested in the employees described in Item 5 above: None.

13. Declaration: I declare that I have read the above petition and that the statements therein are true to the best of my knowledge and belief.

Petitioner: Teamsters, Chauffeurs, Warehousemen and Helpers Local Union No. 983.

Affiliation, if any: International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers (AF of L).

/s/ By CLARENCE LOTT,
Sec. & Treas.

Address: Box 1085, Pocatello, Idaho; Telephone number: 4349.

GENERAL COUNSEL'S EXHIBIT No. 5

[Letterhead of Idaho Egg Producers]

Mr. Clarence Lott
Teamsters Local Union No. 983
Box 1085, Pocatello, Idaho

September 26, 1953

Dear Sir:

We hereby acknowledge your letter of September 23, 1953, pertaining to the organization of our employees of the Pocatello branch of the Idaho Egg Producers.

Matters of this kind are not within the jurisdiction of this office. We are therefor forwarding your communication to the General Office at Caldwell, Idaho for consideration of the management and Board of Directors of this Farm Cooperative Association.

Very truly yours,

Idaho Egg Producers
/s/ By C. C. Slayden, Branch Mgr.

GENERAL COUNSEL'S EXHIBIT No. 6

United States of America
National Labor Relations Board

AGREEMENT FOR CONSENT ELECTION

Pursuant to a Petition duly filed under Section 9 of the National Labor Relations Act as amended, and subject to the approval of the Regional Director for the National Labor Relations Board (herein

called the Regional Director), the undersigned parties hereby waive a hearing and Agree As Follows:

1. Election.—An election by secret ballot shall be held under the supervision of the said Regional Director, among the employees of the undersigned Employer in the unit defined below, at the indicated time and place, to determine whether or not such employees desire to be represented for the purpose of collective bargaining by (one of) the undersigned labor organization(s). Said election shall be held in accordance with the National Labor Relations Act, the Board's Rules and Regulations, and the customary procedures and policies of the Board, provided that the determination of the Regional Director shall be final and binding upon any question, including questions as to the eligibility of voters, raised by any party hereto relating in any manner to the election, and provided further that rulings or determinations by the Regional Director in respect of any amendment of any certification resulting therefrom shall also be final.

2. Eligible Voters.—The eligible voters shall be those employers included within the Unit described below, who were employed during the payroll period indicated below, including employees who did not work during said payroll period because they were ill or on vacation or temporarily laid off, and employees in the military services of the United States who appear in person at the polls, but excluding any employees who have since quit or been

discharged for cause and have not been rehired or reinstated prior to the date of the election and any employees on strike who are not entitled to reinstatement. At a date fixed by the Regional Director, the Employer will furnish to the Regional Director an accurate list of all the eligible voters, together with a list of the employees, if any, specifically excluded from eligibility.

3. Notices of Election.—The Regional Director shall prepare a Notice of Election and supply copies to the parties describing the manner and conduct of the election to be held and incorporating therein a sample ballot. The Employer, upon the request of and at a time designated by the Regional Director, will post such Notice of Election at conspicuous and usual posting places easily accessible to the eligible voters.

4. Observers.—Each party hereto will be allowed to station an equal number of authorized observers, selected from among the nonsupervisory employees of the Employer, at the polling places during the election to assist in its conduct, to challenge the eligibility of voters, and to verify the tally.

5. Tally of Ballots.—As soon after the election as feasible, the votes shall be counted and tabulated by the Regional Director, or his agent or agents. Upon the conclusion of the counting, the Regional Director shall furnish a Tally of Ballots to each of the parties. When appropriate, the Regional Director shall issue to the parties a certification of

representatives or certificate of results of election, as may be indicated.

6. **Objections, Challenges, Reports Thereon.**—Objections to the conduct of the election or conduct affecting the results of the election, or to a determination of representatives based on the results thereof, may be filed with the Regional Director within five days after issuance of the Tally of Ballots. Copies of such objections must be served upon the other parties at the time of filing with the Regional Director. The Regional Director shall investigate the matters contained in the objections and issue a report thereon. If objections are sustained, the Regional Director may in his report include an order voiding the results of the election and, in that event, shall be empowered to conduct a new election under the terms and provisions of this agreement at a date, time, and place to be determined by him. If the challenges are determinative of the results of the election, the Regional Director shall investigate the challenges and issue a report thereon. The method of investigation of objections and challenges, including the question whether a hearing should be held in connection therewith, shall be determined by the Regional Director, whose decision shall be final and binding.

7. **Run-Off Procedure.**—In the event more than one labor organization is signatory to this agreement, and in the event that no choice on the ballot in the election receives a majority of the valid ballots cast, the Regional Director shall proceed in ac-

cordance with the Board's Rules and Regulations.

8. Commerce.—The Employer is engaged in commerce within the meaning of Section 2 (6) (7) of the National Labor Relations Act.

9. Wording on the Ballot.—Where only one labor organization is signatory to this agreement, the name of the organization shall appear on the ballot and the choice shall be "Yes" or "No." In the event more than one labor organization is signatory to this agreement, the choices on the ballot will appear in the wording indicated below and in the order enumerated below, reading from left to right on the ballot:

First.

Second.

Third.

Fourth.

10. Payroll Period for Eligibility—Period ending immediately preceding election.

11. Date, Hours, and Place of Election: To be determined by Regional Director.

12. The Appropriate Collective Bargaining Unit: All employees working at the Company's place of business in Pocatello, Idaho, including truck drivers, but excluding office clerical and supervisors as defined in the Act.

If Notice of Representation Hearing has been issued in this case, the approval of this agreement by the Regional Director shall constitute with-

drawal of the Notice of Representation Hearing heretofore issued.

Idaho Egg Producers Co-op Marketing
Association, Pocatello Branch (only)
(Employer)

/s/ By EARL H. BROCKMAN,
General Manager

Teamsters, Chauffeurs, Warehousemen
and Helpers Local Union 983, AFL
(Petitioner)

/s/ By CLARENCE LOTT

Date executed: October 1, 1953.

Recommended:

/s/ HOWARD E. HILBUN,
Field Examiner National Labor
Relations Board

Date approved: 10/5/53.

/s/ THOMAS P. GRAHAM, Jr.
Regional Director, National Labor
Relations Board

Case No. 19-RC-1391.

GENERAL COUNSEL'S EXHIBITS No. 7-a,
7-b, 7-c, 7-d, 7-e, 7-f, and 7-g

General Counsel's Exhibit No. 7-a

The undersigned hereby designates International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Local No. 983 as his bargaining agency for the purpose of collective bargaining

regarding wages, union shops, and conditions of employment under the laws of the United States of America and/or the State Laws and law amendatory thereto.

Effective this date Sept. 21, 1953, and/or until Sept. 21, 1954.

Signed: Thora Panter.

Witness: Marvin E. Herzinger.

[Printer's Note: Paragraph one is the same in the following exhibits as set out above in Exhibit 7-a.]

General Counsel's Exhibit No. 7-b

Effective date Sept. 21, 1953, and/or until Sept. 21, 1954.

Signed: Ida Mae Brooks.

Witness: Erma Herzinger.

General Counsel's Exhibit 7-c

Effective this date 9/21/53, and/or until 9-21, 1954.

Signed: Carrie Tofanelli.

Witness: Marvin E. Herzinger.

General Counsel's Exhibit 7-d

Effective this date 9-21, 1953, and/or until 9-21, 1954.

Signed: William S. Hoffman.

Witness: Marvin E. Herzinger.

General Counsel's Exhibit 7-e

Effective this date 9-21, 1953, and/or until 9-21, 1954.

Signed: Elizabeth Pharris.

Witness: Marvin E. Herzinger.

General Counsel's Exhibit 7-f

Effective this date Sept. 22, 1953, and/or until Sept. 22, 1954.

Signed: Mrs. Evelyn Pharris.

Witness: Erma Herzinger.

General Counsel's Exhibit 7-g

Effective this date Sept. 22, 1953, and/or until Sept. 22, 1954.

Signed: Lena Panter.

Witness: Erma Herzinger.

GENERAL COUNSEL'S EXHIBITS No. 8-a,
8-b, 8-c, 8-d, 8-f, 8-g, 8-h, 8-i

General Counsel's Exhibit No. 8-a

The undersigned hereby designates International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, Local No. 983 as his bargaining agency for the purpose of collective bargaining regarding wages, union shops, and conditions of employment under the laws of the United States of America and/or the State Laws and law amendatory thereto.

Effective this date 9-21, 1953, and/or until 9-21, 1954.

Signed: Donna Christenson.

Witness: Erma Herzinger.

[Printer's Note: Paragraph one in the following is the same as Exhibit 8-a, above.]

General Counsel's Exhibit 8-b

Effective this date 9-22, 1953, and/or until 9-22, 1954.

Signed: Gene Ellsworth.

Witness: Erma Herzinger.

General Counsel's Exhibit 8-c

Effective this date 9-22, 1953, and/or until 9-22, 1954.

Signed: Frances F. Sladek.

Witness: Erma Herzinger.

General Counsel's Exhibit 8-d

Effective this date Sept. 22, 1953, and/or until Sept. 22, 1954.

Signed: Velma Armstrong.

Witness: Erma Herzinger.

General Counsel's Exhibit 8-f

Effective this date 9-22, 1953, and/or until 9-22, 1954.

Signed: Janet Stoddard.

Witness: Erma Herzinger.

General Counsel's Exhibit 8-g

Effective this date 9-21, 1953, and/or until 9-21, 1954.

Signed: Ruthe Jensen.

Witness: Erma Herzinger.

General Counsel's Exhibit 8-h

Effective this date Sept. 21, 1953, and/or until Sept. 21, 1954.

Signed: Bernard Godfrey.

Witness: Marvin E. Herzinger.

General Counsel's Exhibit 8-i

Effective this date Sept. 21, 1953, and/or until
Sept. 21, 1954.

Signed: Russell Going.

Witness: Marvin E. Herzinger.

| Name | Sex | Position | Rating |
|---------------------------|--------|----------------------------------|-----------------|
| Harold Talbot | Male | Feed & Egg Dept. Working Foreman | Foreman |
| Shirley Montague | Male | Truck Driver | Common Labor #1 |
| Edmund Cordon | Male | Truck Driver | Common Labor #1 |
| Frank McNabb | Male | Feed Mixer | Common Labor #1 |
| Hans Knudsen | Male | Egg Dept. - Floor | Common Labor #1 |
| Melvin Ames | Male | Salesman & Truck Driver | Common Labor #1 |
| Gene Ellsworth | Male | Truck Driver | Common Labor #2 |
| Bernard Godfrey | Male | Feed Dept. - Helper | Common Labor #2 |
| Donald A. A. | Male | Egg Dept. - Helper | Common Labor #2 |
| William Hoffman | Male | Feed & Egg Dept. - Helper | Common Labor #3 |
| George Wakley | Male | Janitor | Common Labor #3 |
| Russell Going | Male | Feed Dept. Helper | Common Labor #3 |
| Franklin Baker | Male | Egg Salesman - (Commission) | |
| Azella Taylor | Female | Egg Candler | Common Labor #1 |
| Carrie Monroe | Female | Egg Candler | Common Labor #1 |
| Vina Jensen | Female | Egg Candler | Common Labor #1 |
| Thora Panter | Female | Egg Candler | Common Labor #1 |
| Frances Sladek | Female | Egg Candler | Common Labor #1 |
| Ruth Jensen | Female | Egg Candler | Common Labor #1 |
| Carrie Tofanelli | Female | Egg Candler | Common Labor #1 |
| Velma Armstrong | Female | Egg Candler | Common Labor #2 |
| Ora Panter | Female | Box Maker & Egg Cartoner | Common Labor #2 |
| Irma Herzinger | Female | Egg Candler | Common Labor #2 |
| Marion Deery | Female | Egg Cartoner | Common Labor #3 |
| Marion Deery | Female | Egg Dept. Helper & Candler | Common Labor #3 |
| Vina Cordell | Female | Egg Candler | Common Labor #3 |
| Evelyn Pharris | Female | Egg Candler | Common Labor #3 |
| Elizabeth Pharris | Female | Egg Candler | Common Labor #3 |
| Janet Stoddard | Female | Egg Candler | Common Labor #3 |
| Ada Brooks | Female | Egg Candler | Common Labor #3 |
| Donna Christensen | Female | Egg Candler | |
| Lydia Conley | " | " | " |

NATIONAL LABOR RELATIONS BOARD

Docket No. 19-14-124 OFFICIAL CASE NO. 509-9

Disposition: Identified ☒ Received ☒ Rejected ☐

In the matter of *Egg Cartoner*

Date *1/10/36* Witness *Franklin Baker* Reporter *W. H. Miller*

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[Title of Board and Cause.]

INTERMEDIATE REPORT AND RECOMMENDED ORDER

Alan A. Bruckner, for the General Counsel; Clarence Lott, of Pocatello, Idaho, for the Union; Eli Weston and J. L. Eberle, of Boise, Idaho, for Respondent.

Before: Martin S. Bennett, Trial Examiner.

Statement of the Case

This proceeding is brought under Section 10 (b) of the National Labor Relations Act, 61 Stat. 136, herein called the Act, and is based upon a charge filed by Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local 983, AFL, herein called the Union, against Idaho Egg Producers, herein called Respondent.¹ The General Counsel of the National Labor Relations Board thereafter issued a complaint dated January 12, 1954, against Respondent, alleging that it had engaged in unfair labor practices within the meaning of Section 8 (a) (1) and (5) of the Act. Copies of the charge, complaint and notice of hearing thereon were duly served upon Respondent.

In substance, the complaint alleged that Respondent on and after September 22, 1953, had failed and refused to bargain in good faith with the Union as the exclusive representative of its employees in

¹ The pleadings were amended at the hearing to reflect the correct name of Respondent.

an appropriate unit and that Respondent had unlawfully questioned and interrogated its employees concerning their union activities; had threatened employees with loss of holidays and loss of a Christmas bonus if the Union organized the plant; had promised employees Saturdays off, shorter hours, and additional overtime if the employees abandoned their union activities; had offered and given employees paid time off and free transportation to the union hall for the purpose of withdrawing their union application cards; and, pursuant to its promise, did give its employees Saturdays off in return for their withdrawal from the Union.

In its duly filed answer, Respondent denied the commission of any unfair labor practices and denied that the Union was or is the majority representative of the employees. It alleged that the employees had not selected a bargaining representative by means of a Board election; that the authorization cards obtained by the Union were procured through coercive and unlawful means; that said cards were therefore void and of no effect; and that any statements to employees by management were merely statements of company policy and protected expressions of opinion.

Pursuant to notice, a hearing was held at Pocatello, Idaho, on January 25 and 26, 1954, before the undersigned Trial Examiner, Martin S. Bennett, duly designated by the Associate Chief Trial Examiner. The parties were represented by counsel who participated in the hearing and were afforded full opportunity to be heard, to examine and cross-

examine witnesses, and to introduce relevant evidence. At the close of the hearing, the parties were given an opportunity to argue orally and to file briefs. Oral argument was waived and a brief has been received from Respondent.

Upon the entire record in the case, and from my observation of the witnesses, I make the following:

Findings of Fact

I. The Business of Respondent

Idaho Egg Producers is an Idaho corporation which is engaged in the purchase of feed and feed supplies and in the marketing of eggs and poultry for its members. It maintains five plants in the State of Idaho, including a plant at Pocatello which is the only plant directly involved in this proceeding. Respondent annually purchases for its Pocatello plant raw materials, supplies and equipment valued at approximately \$800,000, of which about 20 percent is shipped to the plant directly, and the remainder indirectly, from suppliers located outside the State of Idaho. It annually markets and ships from its Pocatello plant products valued at approximately \$1,000,000, of which 40 percent is shipped to points outside the State of Idaho; the remainder is shipped to customers within the State of Idaho who are engaged in commerce within the meaning of the Act. I find that Respondent is engaged in commerce within the meaning of the Act.

II. The Labor Organization Involved

Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local 983, AFL, is a labor organization

which admits the employees of Respondent to membership.

III. The Unfair Labor Practices

A. The Organizational campaign.

The issues herein are whether, following immediately upon the initial organization of Respondent's Pocatello plant by the Union, Respondent unlawfully interfered with, restrained, and coerced its employees, and refused to bargain with the Union.

Insofar as the record indicates, Respondent's Pocatello plant has never been organized by a labor organization. An organizational campaign was commenced by the Union some time prior to September of 1953, and this culminated in a meeting of employees conducted by Secretary and Treasurer Clarence Lott of the Union on Tuesday evening, September 22, 1953. The meeting was attended by 18 or 19 of the approximately 27 employees in the bargaining unit, as well as by Lott, Business Agent Dewey Doss, and two nonemployees who were union supporters, namely, Marvin Herzinger, husband of Employee Erma Herzinger, who is a steward for the Union at another plant, and by the husband of another employee. A number of union cards were signed during this meeting as well as on the previous day.

Lott explained to the employees assembled at the meeting on September 22 that a majority had signed authorization cards and that if Respondent would acknowledge this fact negotiations could commence at once. He stated that if Respondent did not acknowledge this, a petition for an election

would be filed with the Board and bargaining negotiations would be delayed until the Union was certified. After the view was expressed by the employees that Respondent would not grant immediate recognition to the Union, Lott announced that the Union on the following morning would file a petition for an election and would also request Respondent to bargain. Some concern was expressed by the employees at the meeting lest the names of authorization card signers be divulged to management. Lott assured them that the Union would not reveal any of their names to Respondent, and that, in any event it would be necessary for the cards to accompany the representation petition to the Regional Office of the Board in order to demonstrate support of the Union by employees.² On September 23 the Union wrote to Respondent as follows:

Mr. C. C. Slayden

Idaho Egg Producers, Pocatello, Idaho

Dear Sir:

A majority of your employees has signed authorization slips designating Teamsters Local No. 983 as their bargaining agent regarding wages and conditions of employment. Therefore, we request a meeting with you in the next five days.

Please notify this office to (sic) a time that is convenient for you to meet. Return receipt requested.

² Presumably having in mind the requirements of Section 101.17 of the Board's **Statements of Procedure**.

This letter was received on September 24 by Cecil Slayden, who is branch manager of the plant and the chief representative of Respondent at the plant. In fact, insofar as the record indicates, there is but one other supervisory employee in the plant, Foreman C. F. Talbot, who is subordinate to Slayden.

On September 24, the Union filed a representation petition with the Board in Case No. 19-RC-1391, seeking an election among all employees of the Pocatello plant, excluding office clericals and supervisors. On September 26, Slayden replied as follows to the Union's request of September 23 for a meeting. This letter was prepared on Respondent's letterhead which indicates that Respondent has five branches and that this particular letter emanated from Respondent's branch office at Pocatello.

We hereby acknowledge your letter of September 23, 1953, pertaining to the organization of our employees of the Pocatello branch of the Idaho Egg Producers.

Matters of this kind are not within the jurisdiction of this office. We are therefor forwarding your communication to the General Office at Caldwell, Idaho for consideration of the management and Board of Directors of this Farm Cooperative Association.

Very truly yours,

Idaho Egg Producers

/s/ By C. C. Slayden, Branch Mgr.

As will appear, certain conduct attacked herein by the General Counsel was engaged in by Slayden on and before September 26. On Monday, September 28, Lott and Doss visited the plant and introduced themselves to Slayden in their representative capacities. They informed him that a majority of the employees had signed authorization cards; that it was the duty of the Union to represent these employees; and that the Union had received Slayden's letter referring them to the Caldwell office. It may be noted that Caldwell is located approximately 200 miles from Pocatello.

Lott asked Slayden whether the Caldwell office would contact the Union directly or whether information from that office would be relayed to Slayden, the branch manager at Pocatello, and thence to the Union. Slayden replied that he had not been advised concerning the policy of the Caldwell office in the matter and specifically whether it would deal with the Union or on the other hand request an election. After a discussion of statements made by Slayden to employees on the previous Saturday, September 26, the meeting ended. Lott was not thereafter contacted by the Caldwell office of Respondent and it does not appear that he ever contacted that office.

On October 1, the Union and Respondent entered into an agreement for a consent election; the signer for Respondent was its general manager, one Brockman, whose office is apparently located at a location other than the Pocatello office. The representation petition was withdrawn by the Union

on October 29, and this was approved by the Regional Director for the Nineteenth Region on November 2, 1953.

B. Interference, restraint, and coercion.

The majority of Respondent's employees are women who work inside the plant, primarily at egg candling, whereas the male employees perform outdoor operations such as loading and delivery. The leaders in the organizational campaign of the Union were female employees Ruthe Jensen, Donna Christenson, and Erma Herzinger, aided by Marvin Herzinger, husband of Erma, who was a steward in the Union and employed by another concern in the area. These three employees, at times accompanied by Marvin Herzinger, visited and spoke to employees in connection with signing cards on September 21 and 22, 1953.

The record discloses that Branch Manager Slayden, who on September 24 received the Union's demand for recognition, actually learned of the September 22 meeting, the only one held by the Union, on September 23 from at least two employees, namely Ora Panter and William Hoffman, both card signers; in fact as will appear below, Slayden soon thereafter claimed to be aware of the identities of the union adherents. Slayden then proceeded to take the following moves in the period between his receipt of the union request for recognition and his reply dated September 26 wherein he informed the Union that its request for a meeting was not within his "jurisdiction" and that he

was forwarding its letter to Caldwell for consideration by Respondent's Board of Directors.

Although Slayden in his letter of September 26 to the Union stated that matters involving collective bargaining were matters for consideration by the general office of Respondent at Caldwell, his conduct on and before that date demonstrates that he did consider it within his jurisdiction to take steps to counteract the union organizational campaign which had succeeded in signing up a majority of employees by September 22.

Slayden took the initiative in the matter by summoning Ruthe Jensen, a leader in the union organizational campaign, to his office on the morning of September 24.³ Slayden initially asked why she had done what she did, to which Jensen did not reply. Slayden then stated that he knew the names of all employees who had signed cards; that this information had been brought to his attention by Employee William Hoffman on the previous day; and that he, Slayden, had learned from various sources that Jensen was "one of the main ones."

³ Jensen placed the incident on this date; Slayden claimed that it took place on September 25, but was not entirely certain of the date. This incident took place the day after Employee Hoffman divulged the details of the September 22 meeting to Slayden on September 23. Slayden's testimony also discloses that September 24 was probably the date, in view of the sequence of events concerning the Hoffman incident; I therefore have accepted Jensen's testimony herein. In any event, it is immaterial to this issue whether the incident took place on September 24 or 25.

Jensen replied that she would not lie to Slayden and that it was true that she was one of the leaders in the movement. Slayden asked why she had not come to him directly with the problem. She replied that she had at an earlier date approached him for a wage increase but that "we couldn't get it." Slayden stated that if the Union organized the plant there was "nothing in the Union deal" that assured the employees of receiving their bonus; this referred to the annual bonus paid at Christmas to each employee and consisting of \$2 per month, apparently for the calendar year.

Slayden went on to state that he had plans in the safe for the installation of machinery that would substantially reduce the number of personnel required to operate the plant. It may be noted that these plans for the installation of labor saving machinery had been in Respondent's possession for two years and their existence was known to the employees. However, Slayden admitted at the hearing that he had not arrived at any decision to install the machinery.

During the talk Slayden asked Jensen what it was that the employees wanted. Jensen replied that they were interested in receiving higher wages and getting Saturdays off.⁴ Slayden stated that he could not give the employees more money but that he would try to get them Saturdays off. At the end of

⁴ The female employees then worked 6 days a week; their hours were from 7 a.m. to 4 p.m. Monday through Friday, and from 7 a.m. to noon on Saturday.

the interview, Slayden called in Employee Hoffman to verify to Jensen the fact that he, Hoffman, had in fact divulged the names of union adherents to Slayden. Hoffman admitted that he had done so and commenced to cry, whereupon Jensen left.

The foregoing findings as to the conversation on September 24 are based upon the credited testimony of Jensen. Here as elsewhere in the case a determination of what actually took place between Slayden and his employees is a difficult one. Slayden's testimony in many respects was in agreement with that of Jensen, but in others was not. He admitted summoning Jensen to the office; that he asked her why she had started his union troubles; that he questioned her concerning the demands of the employees; and that she stated the employees wished more money and Saturdays off. He admitted that he brought up the possibility of the installation of machinery if wage demands were too high. Moreover, he admitted at one point that he told Jensen the employees "could bargain with him."

At the hearing Respondent stressed the fact, as Slayden further testified, that he informed Jensen that the question of payment of a Christmas bonus depended upon "the union contract." And it is true that Jensen, on cross-examination and in response to a leading question, as well as thereafter on re-direct, also testified that the payment of higher wages and the bonus as well as getting Saturdays off depended, according to Slayden, upon the union contract as finally written. Paradoxically, however,

Slayden at one point testified that no mention was made of a contract.

Although I consider the resolution a close one, the foregoing findings have been made based primarily upon Jensen's testimony on direct examination which is supported by Slayden's admissions. In so finding, I am impressed by the fact, as will appear below in more detail, that Slayden took the initiative about one week later in unilaterally giving the employees Saturdays off, an action which I deem inconsistent with his claim that he had stressed that the receipt of benefits depended upon the union contract, a contention which if true might lead me to view this episode differently. Also accorded weight herein is the fact that Slayden admittedly introduced the threat of economic loss to the girls by technological change and he did not peg the introduction of this new equipment to the provisions of the union contract. Finally, also accorded weight herein, is the fact that Slayden admittedly invited the employees through Jensen to bargain with him directly.

After leaving Slayden's office, Jensen returned to her duties as an egg candler, the category in which almost all the female employees were employed, and, as she testified, reported to the female employees what Slayden had said, save for his statement that he knew the names of all who had signed union cards. Thereafter, and for the next few days, there was considerable discussion among the employees concerning Slayden's remarks to Jensen.

Employee Donna Christenson, who worked alone

in the egg cartoning room in the basement and who was one of the leaders in the union movement, was also approached by Slayden on September 24. According to Christenson, Slayden spoke to her that afternoon, while she was at work, and asked her what she knew about the Union; Christenson disclaimed any knowledge beyond that possessed by the other employees. Slayden proceeded to state that he knew who had started the Union, as was the fact, and that he had been advised that Christenson was one of the leaders in the movement, which was also the fact. Although stating that it made no difference to him whether or not she joined the Union, he added that if the Union "went in" the employees would not be "getting off" 5 or 10 minutes before the lunch and closing hours, respectively, as had been the practice, and that they also would not receive a Christmas bonus.⁵

Sometime between September 24 and 26 and probably on the morning of September 24, Foreman Talbot, admittedly a supervisory employee, ap-

⁵ These findings are based upon the forthright testimony of Christenson, who impressed me as an honest witness. Slayden was not questioned concerning this incident, but generally denied threatening employees with the loss of any existing privileges or benefits. Slayden also approached Christenson on September 25, as she uncontrovertedly testified, and asked if she had heard a rumor to the effect that if the Union "didn't go in" the employees would be discharged. I deem this testimony inconclusive, and, in the absence of further explanation of the statement, I have based no adverse finding on the September 25 incident.

proached Christenson; stated that Respondent had received a letter from the Union, apparently the letter received on the morning of September 24; and asked what Christenson knew about the Union. He also stated that Slayden had been given the names of the union adherents among the employees by Employee Bill Hoffman; it may be noted that Hoffman and Christenson, as well as several others, had been in the group that originally contacted the union representatives, and Hoffman had also been present at the meeting held on September 22. Talbot went on to state that if the Union "did come in it was going to be a lot harder for everyone because * * * there wasn't going to be any shirking at all, that there would be someone to make sure that the work was done and that we weren't loafing." ⁶

The next activity of significance took place at the plant on Saturday morning, September 26; the regular working hours for Saturdays were then from 7 a.m. to noon. Here too, there is considerable testimony of a highly conflicting nature in the record and I have given considerable thought to a determination of what actually took place on this morning. My findings are set forth below and the reasons therefor will follow.

It is clear that Plant Manager Slayden did address the employees on this Saturday morning and probably on two different occasions, although some

⁶ This finding is based upon the uncontroverted testimony of Christenson; Talbot was not questioned concerning the incident.

witnesses were unable to recall more than one talk. Still others were unable to state which of his remarks were made on his first visit and which on the second. Without determining the precise text of each speech, I find that Slayden, shortly after the start of work that morning, appeared in the egg candling room and instructed the girls to cease their gossiping and return to work; it appears that this talk among the employees related to the pros and cons of the Union.

Slayden continued by stating that he did not know why they tried to bring a union in because if they had come to him he would have done whatever was possible for them and might have been able to work it out so that the employees thereafter had Saturdays off. He said that if that was what they wanted he would try to get them Saturdays off. Slayden went on to state that they could work out matters without involving the Union and that while it was up to the employees whether or not they joined the Union, if they did he would be unable to let them off early and pay them until the closing hour, as he occasionally did on Saturdays. He also saw fit to mention that he could install machinery which would eliminate a lot of jobs, if they brought a union in.

Shortly after this speech, Slayden was advised that considerable sentiment existed among the employees in favor of withdrawing from the Union. He again visited the egg candling area and informed the girls that he knew of their sentiment

in favor of withdrawal from the Union. He stated that those who wished to withdraw could complete the particular task they were engaged in, and, if they wished, could leave at that time to withdraw their cards. He added that his automobile was available to them for that purpose, that they could have time off for that purpose, and that they would be paid until noon. The employees generally concluded their work by or before 11 a.m. that day. Slayden also approached two female employees who worked in the box room, stated that they could have time off to withdraw from the Union, and that he would furnish transportation if they desired it.

A group went to the union hall with the intent of withdrawing their cards and then telephoning the other employees at the plant as to the procedure to be followed. The union hall was closed, however, and they so advised the other employees at the plant. It is noteworthy that employee Carrie Monroe, a leader in the withdrawal movement on September 26, saw fit to speak to Slayden when she telephoned the plant, rather than other employees, and advised Slayden of their inability to withdraw the cards. It may be noted that this group including Monroe did not avail itself of the offer of Slayden's car but rather used their customary private transportation.

Monroe later succeeded in telephoning Secretary and Treasurer Lott of the Union and was advised by him that the cards had been sent to the Regional Office of the Board in support of the representation petition.

The record discloses that the employees were paid up to noon that day, their customary closing hour, although the last of the employees to leave work that day was through by 11 a.m., an hour Slayden admitted to be unusually early. The preponderance of the evidence discloses that in the past employees were paid up to noon on Saturdays when their work terminated between 11:40 a.m. and noon, but that they did not leave the plant before 11:50 or 11:55 a.m. This Saturday, the record discloses, was a normal Saturday and there was additional work of an identical nature which the employees could have performed that morning after the completion of the particular tasks on which they were engaged.

Slayden also saw fit to speak to a group of several employees who were waiting in an automobile pending receipt of information from the group led by Monroe on September 26. He told them that if they wanted something in the plant to ask him for it and if it was possible he would provide it. He stated that if they wished Saturdays off they should have come to him directly as he believed he could work out something for them.

The employees did not work on the following Saturday, October 3, and they have since been on a 5-day 40-hour week. The record does not disclose the total hours worked during the week ending October 3; nor does it disclose precisely what day, prior to October 3, they were advised that the work week had changed. However, their work week was

changed by lengthening the work day to compensate for the loss of time on Saturdays.

The findings as to Slayden's remarks on October 26 to the employees are based upon a synthesis of the testimony of Erma Herzinger and Evelyn Pharris. They were partly corroborated by Janet Stoddard who attributed certain statements to Slayden at his first talk on September 26 or an earlier occasion; however Slayden had not spoken to the employees as a group on an earlier occasion on this topic and I find that Stoddard, a somewhat reluctant witness for the General Counsel, referred to September 26. Moreover, Lott and Business Agent Doss credibly testified that they visited Slayden on September 28 and that he admitted to them he had told the employees on the previous Saturday, September 26, that he could install machinery which would eliminate some jobs; a similar remark it may be noted, was admittedly made by Slayden to employee Ruthe Jensen on September 24, as found above.

The General Counsel and Respondent did produce a number of witnesses whose testimony concerning Slayden's remarks on September 26 was confined solely to instructions to get back to work; a statement that he had been informed they wished to withdraw from the Union; that those who wished to withdraw could finish their present tasks and leave for that purpose if they wished; and that his car was available for that purpose. They did not dispute that they were released early for the pur-

pose of withdrawal from the Union with pay until noon.⁷

There are in my belief several significant disparities in the testimony of this group of witnesses, which serve to cast doubt upon the reliability of their testimony.

(1) Carrie Monroe, who testified for the General Counsel, became strongly opposed to the Union and was a leader in the group which sought to withdraw on September 26 after Slayden's speech to the assembled female employees. She specifically denied that Slayden had said anything to the employees about the possibility of getting Saturdays off. Although demonstrating, while on the stand, her hostility to the General Counsel, she admitted that she "might have" informed the representative for the General Counsel about one week prior to the hearing that Slayden on September 26 had told the employees they might get Saturdays off if things worked out satisfactorily. When next asked if Slayden had in fact made this statement on September 26 she replied "He might have. I am not sure." In view of her demonstrated hostility to the pro-Union faction in the plant, I deem her admissions, stated above, to be significant and believe that they seriously impair the reliability of her testimony.

(2) Carrie Tofanelli was a reluctant witness for

⁷ Slayden admitted that he told the group of employees at the automobile that there was a chance they could be given Saturdays off. Otherwise his testimony, which I do not credit, comported with that of the witnesses in the above-identified group.

the General Counsel who originally testified that she did not recall Slayden making any references to Saturdays off in his September 26 remarks. She later admitted on the stand that she had informed the representative for the General Counsel approximately one week earlier that Slayden had told the employees on September 26 that they could have Saturdays off if they wished it and testified further that Slayden had in fact made this statement. On cross-examination by Respondent, she replied in the negative to the question whether Slayden had said anything beyond that the employees should get back to work and that, with respect to the Union, the employees could join or not as they chose.

(3) As heretofore noted, Slayden proceeded to give the employees Saturdays off, commencing the following Saturday, October 3, although there is absolutely no evidence that Respondent had such a plan under consideration, and they have since remained on a 5-day week. This serves to corroborate the testimony to the effect that he had promised them such a benefit in his remarks on September 26. While Respondent attempted to show that this was a regular procedure when work was slack, the record does not support this contention.

Firstly, even on the basis of Respondent's claim, Saturdays were previously not worked only in the slack season; however, the 5-day week was instituted between September 26 and October 3, 1953 and was still in effect as of the date of this hearing late in January of 1954, an apparently perma-

ment change. The fact is that there is no evidence that Respondent had such a move under consideration until Slayden took the initiative on September 24, asked employee Ruthe Jensen what the employees wanted, and was informed that, *inter alia*, they wished Saturdays off. Moreover, when Respondent did give the employees Saturdays off commencing on October 3, 1953, it was on the basis of otherwise increasing the daily hours Monday through Friday to make up the lost time and thus maintain the former total of 40 hours per week. Significantly, there is no evidence that the daily hours had ever been changed in this manner in the past.

Secondly, at least several of the female witnesses for Respondent testified that they had regularly worked Saturdays in the past. The testimony most favorable to Respondent came from Carrie Monroe who testified that she had "several" Saturdays off in 1952, and from Thora Panter, an employee since 1951, who testified that she did not work on Saturdays when things were slack "in the summertime of 1952." Slayden claimed that the girls had Saturdays off for a 6-week period during the months of July and August, 1952, when business was slow; there is no evidence that the employees received this day off at any time during previous years. However, Slayden elsewhere testified that the plant was busy only in the months of July and August and that the slack season lasted from August through June, a 10-month period. He also admitted that work was steady during this 10-month period.

All this I deem and find inconsistent with the claim that Respondent gave its employees Saturdays off in October of 1953 because of a temporary slackness of work.

Thirdly, at one place in his testimony, Slayden admitted that he had given the employees Saturdays off, commencing on October 3, because the employees through Jensen had asked for it on September 24 and that he then agreed to try it out. I find therefore that Respondent placed its employees on a 5-day week, abandoning Saturday work, on October 3 pursuant to the conversation on September 24 when Slayden asked what it was that the employees wanted and also pursuant to his remarks on September 26. I further find that such a move was not previously under consideration by management and that it was not caused by slackness of work. In fact, the record warrants the finding, as Ruthe Jensen, an employee of 8 years tenure testified, that the employees had always worked on Saturdays; that when business was slow those employees with the least seniority were released from Saturday work; and that Saturday work as such was required of the remainder. Significant here is the fact that Carrie Monroe, despite 11 years in Respondent's employ and a witness favorable to Respondent, could cite only "several" Saturdays in 1952 as instances when Saturdays were not worked.

Conclusions

In considering the merits of the General Counsel's contention that Respondent has engaged in

an unlawful campaign of interference, restraint, and coercion, it may initially be noted that Slayden did not address his remarks to employees as part of the preparation of a case before the Board, because he specifically advised the Union that matters involving union representation were not within the jurisdiction of his office and were to be taken up with the Caldwell office 200 miles distant. Nor was his purpose merely to ascertain the extent of the union organizational campaign because he had previously been informed thereof in detail by two employees on September 23, this information including, in fact, the names of the union leaders. The simple answer is that Slayden considered the matter of elimination of the union majority among his employees to be within his jurisdiction and interjected himself into that issue, unlike the matter of union recognition which he specifically referred to a distant office.

Thus Slayden took the initiative on September 24 by summoning Ruthe Jensen, a leader in the organizational campaign, to his office. I find that Slayden on this occasion intended the foreseeable consequences of his conduct in calling Jensen to his office and speaking to her in this vein, namely, that Jensen, a leader in the union movement would report his remarks to her co-workers. Cf. *Radio Officers' Union vs. N.L.R.B., U.S.*, decided February 1, 1954. I find that Slayden's statements to Jensen on September 24, uttered in the reasonable expectation that they would be relayed to employees, and in fact substantially relayed to employees on that

date, were violative of the Act in the following respects:

(1) By, in the context of this case, questioning Jensen concerning her union activities. *N.L.R.B. vs. West Coast Casket Co., Inc.*, 205 F. 2d (C.A. 9).

(2) By stating that he knew the names of all who signed union cards and that Jensen was a leader in the union campaign, thus fostering the impression that he had been engaging in surveillance of union activities. *F. W. Woolworth Co.*, 101 NLRB 1457 and *Knickerbocker Plastic Co. Inc.*, 96 NLRB 586.

(3) By telling Jensen that Respondent was considering replacing employees with mechanical equipment. While Respondent had considered this move for some time, significantly, it had arrived at no decision with respect thereto. I find therefore that Respondent introduced the possibility of technological change as a threat of reprisal for union activities.

(4) By telling Jensen, after eliciting from her the information as to changes the employees wanted, that he might be able to improve working conditions by granting them Saturdays off, one of the changes desired by the employees.

I find that Respondent's conduct was violative of the Act in the following additional respects:

(5) The interrogation on September 24 by Slayden of employee Donna Christenson concerning her knowledge of the Union; his statement that he knew the identity of the union leaders and that Christenson was among them, again fostering the belief that

Respondent had engaged in surveillance of union activities; and the threat that if the Union organized the plant the employees would not receive their Christmas bonus and would lose their existing privilege of leaving work 5 or 10 minutes ahead of the scheduled hour at lunch and at the end of the work day.

(6) The interrogation on September 24 of Christenson by Foreman Talbot concerning her knowledge of the Union; his statement that Respondent knew the names of the union adherents among the employees, again fostering the belief that Respondent had engaged in surveillance of union activities; and his statement that if the Union did come in working conditions would be "a lot harder for everyone"; I find that this latter statement reasonably had reference to changes to be imposed by Respondent.

(7) Slayden's statements to the assembled employees on September 26 wherein he stated that had they come to him instead of the Union he might have been able to get them Saturdays off; his offer to try to get them Saturdays off; and Slayden's granting of paid time off for the purpose of withdrawal from the Union.⁸

(8) Slayden's statement on September 26 to another group of employees that he believed he could work out a change in working conditions so as to eliminate the requirement for Saturday work.

⁸ I do not rely herein on Slayden's offer of the use of his automobile for transportation to the union hall which was not accepted by the employees.

(9) The granting of Saturdays off between September 26 and October 3, effective October 3, pursuant to Slayden's thinly disguised promise on September 26 to grant the employees this improvement in their working conditions.

I find that by the above-enumerated instances of conduct, Respondent has interfered with, restrained and coerced its employees within the meaning of Section 8 (a) (1) of the Act. Nor is it germane, as Respondent stressed, that some of the employees allegedly were not intimidated by Respondent's conduct. The test is whether Respondent engaged in conduct "which may reasonably be said to interfere with the free exercise of employee rights under the Act." *Joy Silk Mills vs. N.L.R.B.*, 185 F. 2d 732 (C.A. D.C.) cert. denied 341 U.S. 914. I find that Respondent's conduct in this case reasonably had such an effect. See *Radio Officers' Union vs. N.L.R.B.*, *supra*. As stated by the Supreme Court in the last-cited case, in evaluating Section 8 (a) (3) of the Act, and in disregarding testimony by an employee that the employer's discrimination had neither encouraged or discouraged his union membership, "We read this language to mean that subjective evidence of employee response was not contemplated by the drafters, and to accord with our holding that such proof is not required where encouragement or discouragement can be reasonably inferred from the nature of the discrimination." See also *N.L.R.B. vs. Syracuse Color Press Inc.*, F. 2d (C.A. 2) decided January 5, 1954.

C. The refusal to bargain

1. The appropriate unit.

The complaint alleges and Respondent's answer admits that all employees of Respondent's Pocatello plant, including truck drivers but excluding office clericals, guards, professional employees and supervisors, constitute a unit appropriate for the purposes of collective bargaining. The parties stipulated that there were 26 named employees in the appropriate unit on September 24, 1953, the day that Respondent received the Union's request for recognition. The parties further stipulated that the unit might or might not be increased by the addition of one employee, Velma Armstrong, depending upon what the testimony disclosed with respect to the nature of her duties at the time material herein.

Turning to the case of Armstrong, I believe that emphasis must be attached to the period between September 24 and 26, because it was then, as shown above, that the Union's request for recognition was received by Respondent and that Respondent engaged in the conduct heretofore described. Armstrong, in her latest period of employment with Respondent, commenced work in June or July of 1953. Respondent's records which allegedly show the precise nature of her duties at various dates were not available at the hearing and Armstrong's testimony on the subject was marked by some uncertainty.

It appears however, that during a previous period of employment with Respondent, Armstrong had worked as an egg candler, a job within the scope of the delineated unit. She returned to Re-

spondent's employ in June or July of 1953 as an office clerical, a classification specifically excluded from the unit. However, in August of 1953, her duties were changed and her work week was divided so that she spent Mondays, Tuesdays and Fridays on egg candling, and Wednesdays, Thursdays and Saturdays in the office at clerical duties. With Saturday then a 5-hour day, it would appear that slightly over one half of her time was devoted to duties performed by others within the appropriate unit.

The problem here is to determine when Armstrong abandoned this arrangement in favor of her present part-time employment of 3 days a week devoted exclusively to office clerical work. In this respect, Slayden testified that Armstrong was employed on the divided work week basis for a period of 6 weeks to 2 months during August and September, and that "she candled right up until about the first of October," after which she was changed to her present part-time position as an office clerical. Respondent's records, according to Slayden, classified Armstrong as an egg candler during the months of August and September, 1953.

In view of the foregoing, I find that during the months of August and September, and particularly between September 24 and 26, 1953, the greater portion of Armstrong's time was devoted to duties as an egg candler; that she was placed by Respondent in the same classification as that of a majority of the female employees in the unit; and that this brought her within the scope of the unit. I find,

therefore, that during that period Armstrong had a substantial community of interest with her co-workers who are included in the appropriate bargaining unit, and that she is properly included in the bargaining unit for the period of the alleged refusal to bargain. I further find that the above-described unit, consisting of 27 employees and including specifically Velma Armstrong, constitutes a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

2. Majority representation in the appropriate unit.

In support of the allegation that the Union represented a majority of the 27 employees in the unit the General Counsel introduced in evidence 16 union designation cards signed by employees of the Pocatello plant of Respondent on September 21 and 22 of 1953; all appeared to be in order and Respondent does not attack the authenticity of the signatures thereon. Fifteen of these cards were identified by credible witnesses who witnessed the signatures to the cards. In addition, 13 of the 15 cards were either identified by the respective signers thereof or else the signers admitted that they had signed cards on the indicated dates of September 21 and 22. The sixteenth card was that of employee Erma Herzinger who identified her own card.

The record indicates, as Erma Herzinger and Ruthe Jensen credibly testified, that two other employees, Carrie Monroe and Nina Cordell, signed cards on September 22, or shortly before, designat-

ing the Union as collective bargaining representative; the cards were turned over to Secretary and Treasurer Lott of the Union and they were mislaid by his office personnel. Lott's testimony was substantially to the same effect. The testimony of Jensen with respect to the Monroe card is buttressed by the fact that Monroe admitted she had signed a card on or about the indicated date; however Cordell did not testify herein. Under the circumstances Monroe's card may properly be considered as a seventeenth designation of the Union; furthermore, in view of the secondary evidence with respect thereto which I accept under the circumstances, I find that Cordell also designated the Union as her collective bargaining representative, this constituting an eighteenth designation.

Respondent has attacked the validity of some of the cards, claiming that they were obtained through fraudulent tactics and that, as a result, the Union was not selected by a free choice of the employees of Respondent. The facts are as follows:

Although Zina Jensen's card was not one of the cards relied upon by the General Counsel as proof of the union majority, Respondent contended that the tactics allegedly used in the case of Jensen demonstrated the type of tactics which perforce were used in other cases. However, not only is there no evidence that the tactics claimed by Respondent to have been used in this instance by Erma Herzinger were used in other instances, but, in addition, the record does not support Respondent's contention herein as to Jensen.

The record shows that Jensen signed a card on or about September 23 at the request of Erma Herzinger; that five minutes later, Jensen changed her mind and asked Herzinger to return the card; and that the card was forthwith returned by Herzinger to Jensen. Respondent relies on Jensen's testimony on direct examination that she signed the card after Herzinger solicited her signature and that Herzinger on this occasion stated "it is for your protection. Otherwise if the union goes in you will be fired."

Herzinger, a clear and forthright witness whose testimony is credited here as elsewhere, denied that she had ever threatened Jensen or anyone else with discharge if she did not join the Union. Moreover, when Jensen repeated, on cross examination, the statements allegedly made by Herzinger, her version was substantially different, as were the implications thereof. On this occasion, Jensen testified that Herzinger solicited her signature on September 23 and stated "that it was for my protection; if I wanted to have protection, O.K., the union would protect me if I joined the union; otherwise I would be fired." Moreover, she further testified that Herzinger did not say that if the Union came into the plant and Jensen was not a member that Jensen would be discharged. This latter version would indicate, and I find, that Herzinger did not threaten Jensen on this occasion. At the very most, it would appear that Herzinger explained that the Union would protect Jensen, if she joined, against punitive or retaliatory action by Respondent, a

statement which lacks anything of a coercive nature.

Russell Going is another employee on whose testimony Respondent relies herein; he signed a union card on September 21 and his case differs from that of the other employees in that he was at the time a member in good standing of the Union. Going presented differing versions of what took place when he signed his card. He originally testified that several female employees asked him to sign because a majority had signed or had promised to sign and that one of these employees, identity not recalled, said that Going would be "fined" if he did not join the Union. On cross examination, he testified that it was employee Bill Hoffman, not one of those who solicited his signature, who told him on another occasion that he might be fined by the Union if he did not sign a card; it may be noted that Hoffman had no connection with the Union and did not solicit Going's signature for a card.

Going again repeated that the female employees asked him to sign, and that it was Hoffman who stated "there might be a chance of it (a fine) but I never did get the straight of it." (emphasis added) I find, in view of the foregoing, that Going's signature was not procured by those who solicited it on the basis of a threatened fine. Moreover, Going stated that he took no action with respect to terminating his union membership and did not know, as of the date of the hearing, whether he was still a member, although he allegedly paid no dues thereafter. Going testified that he decided to "let it ride to see what would happen." Significantly,

Going believed that he would be given an opportunity to vote in a Board election and, according to Foreman Talbot, was one of a group who, at a later date, still expressed a desire that the matter go to a vote. In view of Going's union membership at the time, namely September 21, 1953, I find that Going may properly be counted as one of those who selected the Union as a bargaining representative.

Bernard Godfrey testified that he signed a card on September 21, that Mr. and Mrs. Herzinger and Donna Christenson solicited his membership on that date, and that "They gave me to understand, I won't say they told me, but they led me to understand that most of the employees had signed these slips and they didn't want 60 or 70 or 80 per cent, but they wanted a hundred per cent" (emphasis added). According to Godfrey, he later discovered that he had been among the very first to sign.

Other evidence discloses that Godfrey was about the sixth to sign on September 21, although the record does not disclose how many, prior to Godfrey's signature, had previously promised to sign. Significant here is the fact, according to Foreman Talbot, that Godfrey at a later date was among those who still desired that the matter go to a vote after the Union had withdrawn its petition because of Respondent's unfair labor practices discussed above. In view of the foregoing, and particularly Godfrey's unwillingness to testify that the three-named individuals actually made these statements to him, I conclude and find that Godfrey was only stating his conclusions as to what was told him

when his signature was solicited, rather than what was said, and that there is no valid basis for refusing to count his card herein.

Respondent also adduced the testimony of Ora Panter who signed a card on September 22. Insofar as her testimony indicates, she signed a card after attending a union meeting on that date and there is no evidence of her solicitation, proper or otherwise. According to Panter, she regretted her decision to sign a card and, on the following day when she met Slayden in the plant, spoke to him and informed him that she was sorry that she had joined the Union. He allegedly replied that she could withdraw or stay in the Union as she chose. However, Panter elected to do nothing further about the matter until September 26 when she allegedly decided to withdraw, subsequent to Respondent's unfair labor practices discussed above, and was in the group that went to the union hall on that date.

However, I am more impressed by the fact that Panter, who voluntarily signed a union card on September 22, apparently without personal solicitation, took no affirmative steps to rescind that action prior to September 26 and prior to Respondent's conduct on that date. Her conduct is more impressive and is of more substance than her statement to Slayden on September 23 that she was sorry that she had signed a card because, despite his reply that she could withdraw or stay in as she chose, she patently preferred to keep the status quo, namely, to stay in. I find that Panter's card should properly be counted as evidence of the union majority.

See E. H. Sargent and Co., 99 NLRB 1318, and Kelly A. Scott, 93 NLRB 654.

Gene Ellsworth testified that he signed a card prior to the union meeting held on September 22, and that he did not know its purpose when he signed it. He admitted however, that he was told by Ruthe Jensen, who solicited his signature, that it was for the purpose of holding a meeting "to discuss the benefits, if any, with the union." I do not deem this inconsistent with the purposes of union representation and find that Ellsworth, who is not illiterate, intended to do precisely what the card indicated on its face, namely, designate the Union as bargaining representative. See Hunter Engineering Co., 104 NLRB No. 131.

Conclusions

I am not unaware of the various cases, cited by Respondent, which condemn, and properly so, instances where a union card majority has been obtained through coercive or fraudulent tactics; however such is not the case here. And I am also in agreement with Respondent that an election conducted under Board auspices is a far more desirable and reliable means of ascertaining the true views of employees on the issue of union representation. In fact, the Union was initially in agreement with Respondent on that issue, inasmuch as it petitioned for an election on September 24, but withdrew its petition only after the commission of unfair labor practices by Respondent.

But if, on the other hand, Respondent's unfair

labor practices, as found above, have made the conduct of a fair and objective election impossible, and I so find, equity requires, if not demands, that the card check procedure should be resorted to in order to effectuate the purposes of the Act. It seems a anomalous and indeed flies in the face of the "unclean hands" doctrine of equity to conduct an election at the behest of the creator of conditions that prevent the conduct of a fair election because employees have been subjected to improper pressure. Section 9 (a) of the Act provides that a union designated or selected by a majority of the employees becomes their exclusive bargaining representative without regard to how that fact is established, whether by cards, petitions or strike. As one court has said, the "Act requires no specific form of authority to bargain collectively * * * It is only necessary that (the union authorization) be manifested in some manner capable of proof whether by behavior or language." *Lebanon Steel Foundry vs. N.L.R.B.*, 130 F. 2d 404 (C.A. D.C.), cert. denied 317 U.S. 659. See also *N.L.R.B. vs. Bradford Dyeing Association*, 310 U.S. 318, and *N.L.R.B. vs. Kobritz*, 193 F. 2d 8 (C.A. 1). And, as recently stated by another Court, "Although the result of a secret election may well be the most convincing means of expression, the election medium is by no means exclusive." *N.L.R.B. vs. Indianapolis Newspapers, Inc.*, F. 2d (C.A. 7), decided February 19, 1954.

The record amply demonstrates that on September 26, subsequent to Slayden's statements to the

employees on September 24 and 26, hereinabove found to be violative of the Act, the employees readily adopted his suggestion that they withdraw from the Union. Although this decision on their part was not formalized, due to the absence of the cards, it must be assumed that the employees of Respondent repudiated the Union on September 26.

The language of the Supreme Court in a strikingly similar case which, if anything, was not as strong as the present one is of interest. The Court there stated: "Petitioner cannot, as justification for its refusal to bargain with the Union, set up the defection of union members which it had induced by unfair labor practices, even though the result was that the union no longer had the support of a majority. It cannot thus, by its own action, disestablish the union as the bargaining representative of the employees, previously designated as such of their own free will." *Medo Photo Corp. vs. N.L.R.B.*, 321 U.S. 678.

I find, therefore, that at all times material herein, and particularly on September 24 and 26, the Union, having been validly designated as bargaining representative by 18 of the 27 employees then in the bargaining unit, was and is the representative of the employees in the above-described appropriate unit, for the purpose of collective bargaining, within the meaning of Section 9 (a) of the Act.

C. The refusal to bargain

As heretofore set forth, the Union achieved a majority status among the employees in the ap-

propriate unit on September 22. Its letter to Respondent, announcing its majority status and asking for a meeting, was received by Branch Manager Slayden on September 24. On September 26 Slayden replied to the Union, stating that matters of this nature "are not within the jurisdiction of this office" and that the letter was being forwarded to Respondent's office at Caldwell for consideration by Respondent's management and board of directors. On October 1, Respondent and the Union entered into an agreement for a consent election which was not held due to the subsequent withdrawal of the representation petition by the Union.

What impresses me as the crux of this case is that Slayden who on September 26 referred the Union's request for a meeting to another office 200 miles distant, almost contemporaneously on September 24 and September 26 engaged in unfair labor practices, as found above, whose only objective was clearly to destroy the union majority and to bring about the repudiation of the Union by the employees; in fact, Slayden achieved his objective on September 26 because the record shows that the employees, after his talks on that date, turned against the Union.

Had his statements on September 24 and 26 been confined to protected expressions of opinion, the case might be viewed in a different light. The fact is however, as found above, that he raised the possibility of the employees being replaced by mechanical equipment, a change not then decided upon by Respondent; fostered the impression that Re-

spondent was engaging in surveillance of union activities; after ascertaining that the employees wanted such a change, stated that he might be able to give the employees Saturdays off, a move not previously under consideration by Respondent; interrogated union employees concerning union activities; and gave them paid time off in order to withdraw from the Union. He, as well as Foreman Talbot, told an employee that existing privileges might be curtailed and working conditions made more onerous if the Union entered the plant.

All these acts of interference, restraint and coercion, constituted an attempt to undermine and destroy the Union's position as majority bargaining agent, and constituted a rejection of the collective bargaining principle. On this record, Respondent cannot contend, because it did not then contend, that it entertained any doubt as to the Union's representative status. Significant herein, and illustrative of bad faith, is the fact that Slayden engaged in this conduct at the very time that he took the position with the Union that the problem of meeting the Union was not within the jurisdiction of his office and referred the Union to Respondent's Caldwell office. See *Georgia Twine and Cordage Co.*, 76 NLRB 84.

That Respondent succeeded in its objective of destroying the union majority affords it no privilege to "reap the benefits of its obstructive and unlawful acts." *N.L.R.B. vs. Poultry Enterprises, Inc.*, 207 F. 2d 522 (C.A. 5). The Supreme Court has stated that "The unfair labor practices of the respondent

cannot operate to change the bargaining representative previously selected by the untrammelled will" of its employees. *N.L.R.B. vs. Bradford Dyeing Association*, 310 U.S. 318. The Supreme Court further stated in *Medo Photo Corporation vs. N.L.R.B.*, *supra*, under similar circumstances, that a refusal to bargain caused by an employer's own unfair labor practices "was but an aggravation of its unfair labor practice in destroying the majority's support of the union."

Section 8 (a) (5) of the Act makes it an unfair labor practice for an employer to refuse to bargain with the representative designated by a majority of his employees within an appropriate bargaining unit. It does not say that the employer's obligation to bargain is conditioned upon a Board certification nor indeed upon submission by a labor organization of any proof of its representative status. The Board has recognized the equitable principle that an employer who entertains a genuine doubt as to a union's majority status should be entitled to have the doubt resolved before being required to bargain and has absolved an employer of his obligation to bargain if the refusal is motivated by a good faith doubt as to majority status.

But since this exception is grounded upon equitable principles, the Board has not permitted an employer to avoid this obligation to bargain with a majority representative where the employer engages in unfair labor practices which tend to dissipate that majority status or prevent a free choice in a

subsequent election. It would seem axiomatic that an employer may not by his own misconduct destroy a union's majority and then claim to be relieved of his duty to bargain with it on the ground that the Union is no longer a majority representative.

Accordingly I find, on this record, that Respondent, after receiving the Union's request for a meeting on September 24, 1953, by engaging in unfair labor practices on that date as well as on September 26, as well as by unilaterally granting its employees Saturdays off, as heretofore found, has refused to bargain with the Union within the meaning of Section 8 (a) (5) of the Act. See *Medo Photo Corp. vs. N.L.R.B.*, *supra*; *Motorola, Inc. vs. N.L.R.B.*, 199 F. 2d 82 (C.A. 9) cert. den. 344 U.S. 913; *N.L.R.B. vs. W. T. Grant Co.*, 199 F. 2d 711 (C.A. 9) cert. den. 344 U.S. 928; *N.L.R.B. vs. Howell Chevrolet Company*, 204 F. 2d 79 (C.A. 9) aff'd U.S., decided December 14, 1953; *Service Parts Company*, 101 NLRB 1172, enf'd January 27, 1954 (C.A. 9); and *Williams Lumber Co.*, 93 NLRB 1672, enf'd 195 F. 2d 669 (C.A. 4) cert. den. 344 U.S. 834. I find that by said refusal to bargain Respondent has further interfered with, restrained and coerced its employees within the meaning of Section 8 (a) (1) of the Act.

IV. The effect of the unfair labor practices upon commerce

The activities of Respondent, set forth in Section III above, occurring in connection with its business

operations described in Section I above, have a close, intimate, and substantial relation to trade, traffic, and commerce among the several States and tend to lead to labor disputes burdening and obstructing commerce and the free flow thereof.

V. The remedy

Having found that Respondent has engaged in certain unfair labor practices, I shall recommend that it cease and desist therefrom and take certain affirmative action designed to effectuate the policies of the Act. Having found that Respondent has unlawfully refused to bargain with the Union as the representative of its employees in an appropriate unit, it will be recommended that Respondent upon request bargain with the Union and, if an understanding is reached, embody such understanding in a written and signed agreement.

Because of Respondent's demonstration of its willingness to resort to unlawful methods to counteract an attempt by its employees to achieve self-organization through a labor organization of their own choosing, the inference is warranted that the commission of other unfair labor practices may be anticipated. It will therefore be recommended that Respondent be ordered to cease and desist from in any manner interfering with, restraining or coercing its employees at the Pocatello plant in the exercise of the rights guaranteed by the Act.

Upon the basis of the foregoing findings of fact, and upon the entire record in the case, I make the following:

Conclusions of Law

1. Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local 983, AFL, is a labor organization within the meaning of Section (2) (5) of the Act.

2. By interfering with, restraining and coercing its employees in the exercise of the rights guaranteed by Section 7 of the Act, Respondent has engaged in and is engaging in unfair labor practices within the meaning of Section 8 (a) (1) of the Act.

3. All employees of Respondent's plant at Pocatello, Idaho, including truck drivers, but excluding office clericals, guards, professional employees and supervisors, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act.

4. Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local 983, AFL, was on September 24, 1953, and at all times thereafter has been and now is, the exclusive representative of all employees in the aforesaid appropriate unit for the purposes of collective bargaining, within the meaning of Section 9 (a) of the Act.

5. By refusing on September 24, 1953, and at all times thereafter, to bargain collectively with the Union as the exclusive representative of the employees in the aforesaid appropriate unit, Respondent has engaged in and is engaging in unfair labor practices within the meaning of Section 8 (a) (5) of the Act.

6. The aforesaid unfair labor practices are un-

fair labor practices affecting commerce within the meaning of Section 2 (6) and (7) of the Act.

Recommendations

Upon the basis of the foregoing findings of fact and conclusions of law, I recommend that Respondent, Idaho Egg Producers, Pocatello, Idaho, its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Refusing to bargain collectively with Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local 983, AFL, as the exclusive representative of all employees at its Pocatello, Idaho, plant, including truck drivers, but excluding office clericals, guards, professional employees and supervisors.

(b) In any other manner interfering with, restraining, or coercing its employees in the exercise of the right to self-organization to form labor organizations, to join or assist the above-named or any other labor organization, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all of such activities, except to the extent that such right may be affected by an agreement requiring membership in a labor organization, as authorized in Section 8 (a) (3) of the Act.

2. Take the following affirmative action which I find will effectuate the policies of the Act:

(a) Upon request, bargain collectively with Teamsters, Chauffeurs, Warehousemen and Helpers

Union, Local 983, AFL, as the exclusive representative of all employees at Respondent's Pocatello plant, including truck drivers, but excluding office clericals, guards, professional employees and supervisors, with respect to wages, rates of pay, hours of employment or other terms or conditions of employment, and, if an understanding is reached, embody such understanding in a signed agreement.

(b) Post at its plant at Pocatello, Idaho, copies of the notice attached hereto and marked Appendix A. Copies of said notice, to be furnished by the Regional Director for the Nineteenth Region, shall, after being duly signed by Respondent's representative, be posted by Respondent immediately upon receipt thereof and maintained by it for a period of sixty (60) consecutive days thereafter in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by Respondent to insure that said notices are not altered, defaced, or covered by any other material.

(c) Notify the Regional Director for the Nineteenth Region in writing, within twenty (20) days from the date of receipt of this Intermediate Report and Recommended Order what steps it has taken to comply herewith.

It is recommended that, unless on or before twenty (20) days from the date of receipt of this Intermediate Report and Recommended Order, Respondent notifies the aforesaid Regional Director in writing that it will comply with the foregoing rec-

ommendations, the National Labor Relations Board issue an order requiring it to take such action.

Dated this 23rd day of March, 1954.

/s/ MARTIN S. BENNETT,
Trial Examiner.

APPENDIX A

Notice To All Employees Pursuant to the Recommendations of a Trial Examiner of the National Labor Relations Board, and in order to effectuate the policies of the National Labor Relations Act, we hereby notify our employees that:

We Will bargain collectively, upon request, with Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local 983, AFL, as the exclusive representative of all employees at our Pocatello, Idaho plant, including truck drivers, but excluding office clericals, guards, professional employees and supervisors, with respect to wages, rates of pay, hours of employment, or other terms or conditions of employment, and, if an understanding is reached, embody such understanding in a signed agreement.

We Will Not in any other manner interfere with, restrain or coerce our employees in the exercise of the right to self-organization, to form labor organizations, to join or assist the above-named or any other labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid

or protection, or to refrain from any or all such activities, except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment in conformity with Section 8 (a) (3) of the Act.

All our employees are free to become or remain, or refrain from becoming or remaining, members of the above-named or any other labor organization.

IDAHO EGG PRODUCERS

(Employer)

By,

(Representative) (Title)

Dated.....

This notice must remain posted for 60 days from the date hereof, and must not be altered, defaced, or covered by any other material.

[Title of Board and Cause.]

EXCEPTIONS TO INTERMEDIATE REPORT
AND RECOMMENDED ORDER OF
RESPONDENT

Idaho Egg Producers, Respondent in the above entitled case, takes exception to the Intermediate Report and Recommended Order and the whole thereof on the grounds and for the reasons that the same is not supported by substantial evidence and on the further grounds that the facts in this case do not constitute a violation of Section 8 (a)

(1) and (5) or any of the provisions of the National Labor Relations Act.

Respondent takes exception to the findings on Page 5 of the Intermediate Report as a basis for a finding that the Respondent had interfered, restrained or coerced it's employees inasmuch as the findings on Page 5 of the Intermediate Report contain no threats or promises except as the same may be inferred by the Trial Examiner. All of the findings found on Page 5 are merely statements of fact by the manager as to conditions pertaining to the employees' employment concerning bonuses, labor-saving devices, machinery and overtime and in this connection it is significant to report that at all of the manager's conferences with the employees he made it quite clear that the question of joining or not joining the union was entirely up to the employees.

Respondent objects to the findings on Page 6 of the Report wherein the Trial Examiner gives credit to all of the testimony of all of the witnesses for the union and categorically discredits all of the testimony of witnesses stating facts favorable to the Respondent.

Respondent objects to the findings of fact contained between Lines 25 and 40 on Page 6 of the Report wherein the Trial Examiner found that the manager's statement that he had seasonally closed the operation on Saturdays was not true. The Trial Examiner did admit that his decision in this respect was a very "close resolution" on his part.

Respondent takes exception to the finding be-

tween Lines 46 and 60 on Page 6 of the Report wherein the Trial Examiner found that in the conversation between Employee Christenson and Manager Sladen, Sladen stated that while it made no difference to him whether or not she joined the union, the employees would lose five to ten minutes of lunch period or their time off at closing time. This finding is immaterial and not proper to support a conclusion of law.

The findings contained on Page 7 of the Intermediate Report, with reference to the meeting on Saturday morning, September 26, are supported by evidence except as to that part wherein the Trial Examiner found that the manager had threatened the employees with loss of pay or loss of time off inasmuch as the record shows by testimony from both the manager and employees that the company has always given time off if the jobs were finished ahead of time and has seasonally given Saturdays off.

As to the remainder of the findings on Page 7, which are supported by evidence, Respondent contends that they contain no threats or promises and are, therefore, not a violation of the law and should not be considered by the Trial Examiner for that purpose.

Respondent objects to the finding on the part of the Trial Examiner contained on Page 8 of the Report that it was an interference with the union's activities for the manager to offer the use of the company car for the purpose of having the employees withdraw from the union. This is an im-

proper finding on the part of the Trial Examiner inasmuch as the decision to withdraw from the union had been made voluntarily by the employees because they had been deceived concerning the election and for other reasons stated by the employees before the offer was made. Respondent objects on the further grounds that the testimony shows that it was a customary practice for the company to use the automobile for emergency or other errands of the business and employees.

Respondent objects to the finding by the Trial Examiner on Page 8 between Lines 25 and 30 with reference to the report by Employee Monroe that she had telephoned the Secretary and Treasurer of the union and was advised by him that the cards had been sent to the Regional Office, on the grounds that the Trial Examiner failed to complete the actual report made by Employee Monroe. Said employee, in addition to reporting that the cards had been mailed to the Regional Office, also reported that the representative of the union said that the entire question would be decided by an election and that the employees were not in the union. (Tr. 225, 226) The Trial Examiner doesn't include this in his findings.

Respondent objects to the findings with reference to the time off taken on Saturday, September 26, as the testimony shows it was customary for the company to permit the employees to quit early when they had completed the particular job assigned to them.

With reference to the second meeting between

the employees and the manager on Saturday, September 26, the record discloses that the meeting was opened by a statement by the manager that he knew that the employees wanted to withdraw from the union, or words to that effect, and by the further statement that it was entirely up to the employees as to whether they joined the union or not or remained in the union, or not, or words to that effect. Under this statement of facts, Respondent objects to the use of the statements made in this second meeting as a basis for a finding by the Trial Examiner inasmuch as the employees had made up their minds on a course of action prior to this meeting, and that none of the statements made by the manager could have influenced the actions on the part of the employees.

Respondent takes exception to the findings contained on Pages 9 and 10 of the Report with reference to the credibility of the witnesses, it appearing from said findings that the Trial Examiner gives full faith and credit to all of the witnesses testifying on behalf of the union with no faith or credit to the testimony of the witnesses testifying on behalf of the Respondent, particularly with reference to the finding that the Respondent did not regularly and seasonally give the employees Saturday off, it appearing from the record that at least four employees verified this fact as stated by the manager.

Respondent takes exception to the finding by the Trial Examiner that the foreman called Employee Jensen to his office for the purpose of using her

as a means of conveying information to the employees, it appearing from the record that Employee Jensen was the self-appointed representative of a group of employees and was seeking information from and trying to give information to the company. Respondent further objects to the findings on Page 11 that the Respondent had

- (1) questioned the employees concerning their union activities,
- (2) engaged in any surveillance of the union's activities,
- (3) threatened the replacement of employees by mechanical equipment,
- (4) promised to improve working conditions or give Saturdays off,
- (5) threatened to take away Christmas bonuses,
- (6) made any threats to the employees as to what would happen if the union came in,
- (7) any statements by the foreman in the form of a threat or promise in case the union did not come in,

said findings being inferences and without substantial or supporting evidence.

Refusal to Bargain

Respondent takes exception to the findings between Lines 25 and 40 on Page 13 of the Report to the effect that the Employee Armstrong's time was devoted principally to egg candling when the record shows that she was classified as an office employee and therefore outside the appropriate unit.

Respondent objects to the finding on the part of

the Trial Examiner that there were eighteen signed cards designating the union as the collective bargaining representative on the grounds that said cards were not the voluntary acts of the employees. The record shows that the cards were, in fact, obtained by fraud with no meeting of the minds or agreement pertaining to the same.

Respondent takes exception to the findings on the part of the Trial Examiner contained on Pages 14, 15 and 16 of the Report with reference to the employees Jensen, Going, Godfrey, Panter and Ellsworth wherein the Trial Examiner discredits their testimony, it appearing from the record, and contrary to the Trial Examiner's findings, that these employees, together with others, had been induced to sign representation cards under false representations and that the signatures were obtained by fraud.

It appears from the entire record in this case that a majority of the employees signed representation cards based on at least three false representations:

- (1) that the employee in question was the last one to be signed up and that all the rest had signed cards;
- (2) that the signature to the card was merely being obtained for the purpose of having an election, nothing more; and
- (3) that if they did not sign the card they would be penalized by being discharged or otherwise fined.

The Trial Examiner ignores these facts in his

findings and categorically discredits all of the testimony with respect to these facts.

Respondent takes exception to the conclusion by the Trial Examiner found on Page 16 of the Report and particularly to the conclusion found between Lines 45 and 55 wherein the Trial Examiner states that the decision to withdraw from the union was made at the suggestion of the manager, Sladen. The entire record shows that the decision to withdraw from the union was caused by the dissension among the employees themselves. It was caused by the fact that the employees were not in favor of the union in the first place but were only induced to sign representation cards by false and fraudulent statements from the ring leaders representing the union. The entire case shows the lack of interest in the union by a majority of the employees and an over-abundance of enthusiasm on the part of three: Erma Herzinger, Marvin Herzinger and Donna Christensen.

Respondent takes exception to the finding on the part of the Trial Examiner that the company had refused to bargain, it appearing from the record that the company was at all times willing to bargain with the duly selected representative of its employees. It objects to the findings on the part of the Trial Examiner that the Respondent, through its acts, had in any way dissipated the union majority inasmuch as the union at no time had an uncoerced majority. The facts in the case clearly show that the employees wanted the question of representation to be decided by an election. The

facts further show that the Respondent was agreeable to and had consented to the election which, in the opinion of the Respondent, is the proper way to determine the question.

* * * * *

In conclusion, Respondent respectfully requests that the Intermediate Report and Recommended Order be nullified.

Respectfully submitted,

ELI A. WESTON,

RICHARDS, HAGA & EBERLE,

Attorneys for Respondent

April, 1954.

United States of America
Before the National Labor Relations Board
Case No. 19-CA-924

IDAHO EGG PRODUCERS

and

TEAMSTERS, CHAUFFEURS, WAREHOUSE-
MEN AND HELPERS UNION, LOCAL 983,
AFL.

DECISION AND ORDER

On March 23, 1954, Trial Examiner Martin S. Bennett issued his Intermediate Report in the above-entitled proceeding, finding that the Respondent had engaged in and was engaging in certain unfair labor practices and recommending that it cease and desist therefrom and take certain affirmative action, as set forth in the copy of the Intermediate Report attached hereto. Thereafter,

the Respondent filed exceptions to the Intermediate Report and a supporting brief.¹

The Board has reviewed the rulings of the Trial Examiner made at the hearing and finds that no prejudicial error was committed. The rulings are hereby affirmed. The Board has considered the Intermediate Report, the exceptions and brief, and the entire record in the case and hereby adopts the findings, conclusions, and recommendations of the Trial Examiner.²

Order

Upon the entire record in the case, and pursuant to Section 10 (c) of the National Labor Relations Act, as amended, the National Labor Relations Board hereby orders that the Respondent, Idaho Egg Producers, Pocatello, Idaho, and its officers, agents, successors, and assigns, shall:

1. Cease and desist from:

(a) Refusing to bargain collectively with Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local 983, AFL, as the exclusive representative of all employees at the Respondent's Pocatello, Idaho plant, including truck drivers, but excluding office clericals, guards, professional employees and supervisors as defined in the Act.

¹ As the record, exceptions, and brief adequately present the issues and positions of the parties, we deny the Respondent's request for oral argument.

² In Section III B of the Intermediate Report, the Trial Examiner inadvertently referred to Slayden's remarks on October 26, instead of September 26.

(b) Interrogating employees concerning their membership in, or activities on behalf of Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local 983, AFL or any other labor organization, in a manner constituting interference, restraint or coercion in violation of Section 8 (a) (1) of the Act; fostering the impression upon employees that the Respondent was keeping union activities under surveillance; threatening employees with the loss of employment by installing labor saving machinery in reprisal for union activities; offering and granting employees Saturdays off to induce them to abandon any union; threatening to deprive employees of their Christmas bonus and other privileges customarily enjoyed by them if a union succeeded in organizing the plants; and granting employees paid time off for the purpose of withdrawing from any union.

(c) In any other manner interfering with, restraining, or coercing its employees in the exercise of their right to self-organization, to form labor organizations, to join or assist the above-named or any other labor organization, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all of such activities, except to the extent that such right may be affected by an agreement requiring membership in a labor organization, as authorized in Section 8 (a) (3) of the Act.

2. Take the following affirmative action which the

Board finds will effectuate the policies of the Act:

(a) Upon request, bargain collectively with Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local 983, AFL, as the exclusive representative of all employees at the Respondent's Pocatello plant, including truck drivers, but excluding office clericals, guards, professional employees and supervisors as defined in the Act with respect to rates of pay, wages, hours of employment, and other conditions of employment, and, if an understanding is reached, embody such understanding in a signed agreement.

(b) Post at its plant at Pocatello, Idaho, copies of the notice attached hereto as an appendix.³ Copies of said notice, to be furnished by the Regional Director for the Nineteenth Region, shall, after being duly signed by the Respondent's representative, be posted by the Respondent immediately upon receipt thereof and maintained by it for a period of sixty (60) consecutive days thereafter in conspicuous places, including all places where notices to employees are customarily posted. Reasonable steps shall be taken by the Respondent to insure that said notices are not altered, defaced, or covered by any other material.

(c) Notify the Regional Director for the Nine-

³ In the event that this Order is enforced by decree of a United States Court of Appeals, there shall be substituted for the words "Pursuant to a Decision and Order" the words "Pursuant to a Decree of the United States Court of Appeals Enforcing an Order."

teenth Region in writing, within ten (10) days from the date of this Order as to what steps it has taken to comply herewith.

Dated, Washington, D. C., January 6, 1955.

[Seal] GUY FARMER, Chairman
 ABE MURDOCK, Member
 IVAR H. PETERSON, Member
 PHILIP RAY RODGERS, Member
 National Labor Relations Board

APPENDIX

Notice to All Employees Pursuant to a Decision and Order of the National Labor Relations Board, and in order to effectuate the policies of the National Labor Relations Act, as amended, we hereby notify our employees that:

We Will Not interrogate our employees concerning their membership in, or activities on behalf of Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local 983, AFL, or any other labor organization in a manner constituting interference, restraint or coercion in violation of Section 8 (a) (1) of the Act; foster the impression upon our employees that we are keeping union activities under surveillance; threaten our employees with the loss of employment by installing labor saving machinery in reprisal for their union activities; offer and grant our employees Saturdays off to induce them to abandon any union; threaten to deprive our employees of their Christmas bonus and other privileges customarily enjoyed by them if any union

succeeded in organizing our plant; or grant our employees paid time off for the purpose of withdrawing from any union.

We Will Not in any other manner interfere with, restrain or coerce our employees in the exercise of the right to self-organization, to form labor organizations, to join or assist the above-named or any other labor organization, to bargain collective through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all such activities, except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment in conformity with Section 8 (a) (3) of the Act.

We Will bargain collectively, upon request, with Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local 983, AFL, as the exclusive representative of all employees at our Pocatello, Idaho, plant, including truck drivers, but excluding office clericals, guards, professional employees and supervisors as defined in the Act, with respect to wages, rates of pay, hours of employment, and other conditions of employment, and, if an understanding is reached, embody such understanding in a signed agreement.

IDAHO EGG PRODUCERS,
(Employer)

By,
(Representative) (Title)

Dated.....

This notice must remain posted for 60 days from the date hereof, and must not be altered, defaced, or covered by any other material.

In the United States Court of Appeals
for the Ninth Circuit

No. 14700

NATIONAL LABOR RELATIONS BOARD,
Petitioner,

vs.

IDAHO EGG PRODUCERS, Respondent.

CERTIFICATE OF THE NATIONAL LABOR
RELATIONS BOARD

The National Labor Relations Board, by its Executive Secretary, duly authorized by Section 102.84, Rules and Regulations of the National Labor Relations Board—Series 6, as amended, hereby certifies that the documents annexed hereto constitute a full and accurate transcript of the entire record of a proceeding had before said Board, entitled “Idaho Egg Producers and Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local 983, AFL,” Case No. 19-CA-924 before said Board, such transcript including the pleadings and testimony and evidence upon which the order of the Board in said proceeding was entered, and including also the findings and order of the Board.

Fully enumerated, said documents attached hereto are as follows:

1. Order designating Martin S. Bennett Trial Examiner for the National Labor Relations Board issued January 25, 1954.

2. Stenographic transcript of testimony taken before Trial Examiner Martin S. Bennett on January 25, 26, 1954, together with all exhibits introduced in evidence.

3. Copy of Trial Examiner Martin S. Bennett's Intermediate Report and Recommended Order dated March 23, 1954 (annexed to item 8 hereof); order transferring case to the Board, dated March 23, 1954, together with affidavit of service and United States Post Office return receipts thereof.

4. Respondent's letter dated March 26, 1954, requesting extension of time to file exceptions and brief.

5. Copy of Board's telegram, dated April 2, 1954 granting Respondent's request for extension of time to file exceptions and brief.

6. Respondent Company's request for oral argument before the Board, dated April 27, 1954. (Denied, see Board's Decision and Order, page 1, footnote 1.)

7. Respondent Company's Exceptions to the Intermediate Report and Recommended Order received April 27, 1954.

8. Copy of Decision and Order issued by the National Labor Relations Board on January 6, 1955, with Intermediate Report annexed, together

with affidavit of service and United States Post Office return receipts thereof.

In Testimony Whereof, the Executive Secretary of the National Labor Relations Board, being thereunto duly authorized as aforesaid, has hereunto set his hand and affixed the seal of the National Labor Relations Board in the city of Washington, District of Columbia, this 29th day of April, 1955.

[Seal] /s/ FRANK M. KLEILER,
Executive Secretary, National
Labor Relations Board

[Endorsed]: No. 14700. United States Court of Appeals for the Ninth Circuit. National Labor Relations Board, Petitioner, vs. Idaho Egg Producers, Appellee. Transcript of Record. Petition for Enforcement of an Order of the National Labor Relations Board.

Filed: May 2, 1955.

 /s/ PAUL P. O'BRIEN,
Clerk of the United States Court of Appeals for
the Ninth Circuit.

[Title of U. S. Court of Appeals and Cause.]

PETITION FOR ENFORCEMENT OF AN
ORDER OF THE NATIONAL LABOR RE-
LATIONS BOARD

To the Honorable, the Judges of the United States
Court of Appeals for the Ninth Circuit:

The National Labor Relations Board, pursuant to the National Labor Relations Act, as amended (61 Stat. 136, 29 U.S.C., Secs. 141, et seq.), hereinafter called the Act, respectfully petitions this Court for the enforcement of its order against Respondent, Idaho Egg Producers, Pocatello, Idaho, and its officers, agents, successors, and assigns. The proceeding resulting in said order is known upon the records of the Board as "Idaho Egg Producers and Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local 983, AFL," Case No. 19-CA-924. In support of this petition the Board respectfully shows:

(1) Respondent is a Idaho Corporation engaged in business in the State of Idaho, within this judicial circuit where the unfair labor practices occurred. This Court therefore has jurisdiction of this petition by virtue of Section 10 (e) of the National Labor Relations Act, as amended.

(2) Upon due proceedings had before the Board in said matter, the Board on January 6, 1955, duly stated its findings of fact and conclusions of law, and issued an Order directed to the Respondent, Idaho Egg Producers, Pocatello, Idaho, and its

officers, agents, successors, and assigns. On the same date, the Board's Decision and Order was served upon Respondent by sending a copy thereof post-paid, bearing Government frank, by registered mail, to Respondent's counsel.

(3) Pursuant to Section 10 (e) of the National Labor Relations Act, as amended, the Board is certifying and filing with this Court a transcript of the entire record of the proceeding before the Board upon which the said Order was entered, which transcript includes the pleadings, testimony and evidence, findings of fact, conclusions of law, and the Order of the Board sought to be enforced.

Wherefore, the Board prays this Honorable Court that it cause notice of the filing of this petition and transcript to be served upon Respondent and that this Court take jurisdiction of the proceeding and of the questions determined therein and make and enter upon the pleadings, testimony and evidence, and the proceedings set forth in the transcript and upon the Order made thereupon a decree enforcing in whole said Order of the Board, and requiring Respondent, and its officers, agents, successors and assigns, to comply therewith.

Dated at Washington, D. C., this 23rd day of March, 1955.

/s/ By MARCEL MALLET PREVOST,
Assistant General Counsel, Na-
tional Labor Relations Board

[Endorsed]: Filed March 25, 1955. Paul P. O'Brien, Clerk.

[Title of U.S. Court of Appeals and Cause.]

ANSWER

To the Honorable, the Judges of the United States
Court of Appeals for the Ninth Circuit:

Comes Now the Respondent and for its answer to the Petition for Enforcement denies that the Board has a right to have this Court issue its Order for Enforcement since the Order of the National Labor Relations Board is without foundation in evidence. Respondent denies each and every allegation contained in the Petition except as to those things that are hereinafter admitted, qualified or explained.

I.

Respondent admits that it is an Idaho corporation engaged in business in the State of Idaho and within this Court's Judicial Circuit, and admits that the Board's Order and Decision was served upon Respondent by sending a copy thereof by registered mail to Respondent's counsel.

II.

In objecting to the Petition for Enforcement, Respondent denies that the Union, Local 983 Teamsters, Chauffeurs, Warehousemen and Helpers, at any time was the authorized representative of a majority of Respondent's employees, and in connection therewith Respondent alleges that the evidence adduced before the Trial Examiner clearly disclosed that the applications for member-

ship in the union procured by the union were procured by threats, promises and false statements, to-wit: (1) That if they did not sign the card they would be penalized by being discharged or otherwise fined. (2) That the signature to the card was being obtained for the purpose of having a election, nothing more. (3) That the employee in question was the last one to be signed up and that all the rest had been signed up.

That the testimony before the Trial Examiner further shows that at the time of the hearing the employees were dissatisfied with the union and that a majority of the employees did not want the union as their bargaining agent.

III.

Respondent denies that the evidence in the case supports the finding by the Trial Examiner that the Respondent had violated Section 7 of the Act or any other provisions of the Act and specifically denies that it in any way interfered with, restrained or coerced its employees contrary to the provisions of the Labor-Management Relations Act or the National Labor Relations Act as amended, but on the contrary the evidence before the Trial Examiner clearly established that the employees, having been coerced and having been forced into the union against their will, were indifferent to the union's progress and dissatisfied with the union and by their own voluntary acts disassociated themselves from the union, all of which is established by the evidence in the case. The testimony before the Trial

Pursuant to notice, the above-entitled matter came on for hearing at 10 o'clock a.m.

Before: Martin S. Bennett, Trial Examiner.

Appearances: Eli Weston and J. L. Eberle, 518 Idaho Bldg., Boise, Idaho, appearing for Idaho Egg Producers, Respondent; Alan A. Bruckner, 19th Region, National Labor Relations Board, Seattle, Wn., 407 U. S. Courthouse, Seattle, Wn., appearing as counsel for the General Counsel; Clarence Lott, 456 North Arthur, Pocatello, Idaho, appearing for Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local 983, AFL, Charging Party. [1*]

Trial Examiner Bennett: The hearing will be in order. [3]

* * * * *

Mr. Brucker: If the Examiner please, I should like to call the Examiner's attention to the fact that General Counsel's Exhibit 2, paragraph I thereof, admits the following allegations of the complaint: paragraphs I, II and V. Paragraphs I and II describe the operations of the company and the facts which the General Counsel contends constitute sufficient facts to enable [6] the Board to take jurisdiction. Paragraph V sets forth the appropriate unit.

It is also my understanding, having discussed this with counsel prior to the opening of the hearing, that counsel will in fact stipulate to paragraph

* Page numbers appearing at top of page of original Reporter's Transcript of Record.

IV of the complaint, namely that the union involved in this proceeding is a labor organization within the meaning of the Act, Section 2 (5) of the Act.

Mr. Weston: That is correct.

Mr. Brucker: Thank you, sir.

Trial Examiner Bennett: I said before that the General Counsel will have to prove his case. Of course, if the answer admits certain subject matter in the complaint, I don't intend my statement to extend to that.

We will take a five-minute recess.

(Short recess.)

Trial Examiner Bennett: On the record.

Mr. Brucker: I will call Mr. Clarence Lott.

CLARENCE LOTT

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Bruckner): State your name and address, please.

A. Clarence Lott, 456 North Arthur; that is my business address.

Q. What is your residence address? [7]

A. 210 East Chapel, Pocatello, Idaho.

Q. Are you an employee of Teamsters, Chauffeurs, Warehousemen and Helpers Union, Local 983, AFL?

A. Yes, sir.

Q. Hereafter in my questions to you and during

(Testimony of Clarence Lott.)

all our discussions I will refer to that as "the Union". What is your office in that union, sir?

A. Secretary and treasurer.

Q. How long have you held that office?

A. About eight years.

Q. Is it part of your duties as secretary and treasurer of that union to organize employees in various establishments? A. It is.

Q. I will direct your attention to Tuesday, September 22, 1953. Do you recall that date?

A. Yes, sir.

Q. I will ask you if during the evening of that day you had a meeting of employees of Idaho Egg Producers at the Labor Temple. A. We did.

Mr. Bruckner: If the Examiner please, I understand that the caption of the formal papers herein incorrectly describes the name of the company. It is my understanding, as a result of discussion off the record, that the true and correct name of the company involved herein is "Idaho Egg Producers" and I therefore move to amend the formal papers and to correct the [8] name of the company to so show.

Mr. Eberle: No objection.

Mr. Brucker: Thank you.

Trial Examiner Bennett: Actually you are moving to delete the last three words in the caption?

Mr. Bruckner: Yes, sir.

Trial Examiner Bennett: All right. The motion is granted.

(Testimony of Clarence Lott.)

Q. (By Mr. Bruckner): How many employees of Idaho Egg were present at that meeting, sir?

A. Nineteen.

Q. Did you count them? A. Yes.

Q. And what was the subject of discussion at that meeting?

A. The employees had asked several questions as to what the union could do for them and what the capacity of a union was and I explained to the employees the procedure that would be followed, that a majority of the employees had signed authorizations authorizing the Teamsters, Chauffeurs, Warehousemen and Helpers, Local 983, to bargain for them as pertains to wages and hours, conditions of employment, and that if the company would acknowledge the authorizations that the negotiations could commence at once; and that if the company did not desire to acknowledge the authorizations, then a petition would be filed with the National Labor Relations Board and we would have to wait for the outcome of the petition or a [9] certification before we could commence negotiations.

* * * * *

Q. (By Mr. Bruckner): Would you in your testimony here, Mr. Witness, confine yourself to what people said, as best you can recall, in either words or substance at that meeting.

Mr. Eberle: We object to that general question. I don't see how the employer could be bound by comments made at that meeting.

Trial Examiner Bennett: I will take it as evi-

(Testimony of Clarence Lott.)

dence of the union organizational campaign. [10]

* * * * *

A. (Continuing) Godfrey made the statement that the employer would not recognize the union, he was sure of the fact, and so I explained to the employees that in that case we would file for an election the next morning with the National Labor Relations Board and we would also——

Mr. Eberle (Interrupting): My objection goes to all of this line of testimony, that the employer could not possibly be bound by these statements, as to opinions of various employees.

Trial Examiner Bennett: All right. I will give you a running objection.

A. (Continuing) So I explained to the employees that the following morning we would file for an election with the National Labor Relations Board and at the same time would write a letter requesting the employer to bargain with us and that after the employer had had time to receive the letter, that we would personally contact the employer, requesting bargaining.

Q. (By Mr. Bruckner) Do you know Mr. Talbot, an employee of the company?

A. Not personally, no.

Q. To your knowledge, were any supervisors of the company present at that meeting?

A. Not to my knowledge.

Q. Have you seen Mr. Talbot? [11]

A. I seen a gentleman that, over in the opera-

(Testimony of Clarence Lott.)

tion as I went through, which, that was pointed out as Mr. Talbot.

Q. Did you on the next day send out a letter to the company? A. I did.

Mr. Bruckner: Will the reporter mark this document, a letter, typewritten, dated September 23, 1953, addressed to Mr. C. C. Slayden, Idaho Egg Producers, Pocatello, Idaho, and bearing a signature purporting to be that of Clarence Lott, Teamsters Local Union 983, as General Counsel's Exhibit 3 for identification. [12]

* * * * *

Q. (By Mr. Bruckner): I should like to ask you, Mr. Lott, if the original of what is now in evidence as GC-3 was not written on a piece of paper bearing the letterhead of your organization.

A. It was.

Mr. Bruckner: Would the counsel so stipulate?

Mr. Eberle: We will so stipulate.

Mr. Bruckner: Thank you.

I should like permission from the Examiner to withdraw the original GC-3 and introduce in evidence a true copy of that exhibit, if there is no objection.

Trial Examiner Bennett: Granted.

Q. (By Mr. Bruckner): Mr. Lott, did you also send to the National Labor Relations Board at Seattle, Washington, a petition to represent employees of Idaho Egg Producers Co-op Marketing Association? A. I did.

(Testimony of Clarence Lott.)

Mr. Bruckner: May we be off the record for a moment, sir?

Trial Examiner Bennett: Off the record.

(Discussion off the record.)

Trial Examiner Bennett: On the record.

As I understand it, counsel are willing to stipulate that Mr. C. C. Slayden is branch manager of Respondent at Pocatello.

Mr. Eberle: So stipulated.

Mr. Bruckner: So stipulated.

Will the reporter mark for identification as GC-4 a petition [13] filed 9/24/53, the name of the employer being Idaho Egg Producers Co-op Marketing Association, signed by Clarence Lott, Secretary-Treasurer, Teamsters Local Union 983. [14]

* * * * *

Mr. Bruckner: I am prepared to stipulate that GC-3 was received by the company at the address designated on September 24, 1953.

Mr. Eberle: That is agreeable.

Trial Examiner Bennett: So stipulated.

Q. (By Mr. Bruckner): Did you receive a reply to this letter of September 23, Mr. Lott?

A. I did.

Mr. Bruckner: I would like to have marked for identification GC-5, a letter on the letterhead of Idaho Egg Producers, dated September 26, 1953, addressed to Mr. Clarence Lott, bearing the purported signature of one C. C. Slayden, Branch Manager. [15] * * * * *

Q. (By Mr. Bruckner): Directing your atten-

(Testimony of Clarence Lott.)

tion to Monday, September 28, 1953, I will ask you, Mr. Lott, if you had occasion to visit the premises of the company at that time, on that date. Now, you understand, whenever I refer to the word "company" I am referring to Idaho Egg Producers.

A. Yes, sir.

Trial Examiner Bennett: This is only as far as the Pocatello [17] Branch?

Mr. Bruckner: Yes, sir. All of the testimony insofar as I am concerned in this matter is, deals only with the Pocatello Branch.

Q. (By Mr. Bruckner): Were you accompanied by anyone? A. By Dewey Doss.

Q. Who is he?

A. Business manager for Local 983 of the Teamsters.

Q. About what time of the day was this?

A. We went over about 10 o'clock.

Q. Did you see Mr. Slayden then?

A. No. We inquired from the office girl and she said Mr. Slayden was over in town and wouldn't return for approximately a half-hour or 45 minutes.

Q. Did you wait for him?

A. No. We left the plant and returned at a later date, or at a later hour.

Q. Did you see him then? A. Yes.

Q. Will you tell us, to the best of your recollection, what was said by whom at that time and who was present, sir?

A. We went into Mr. Slayden's office and I introduced myself as Secretary of the Teamsters

(Testimony of Clarence Lott.)

Local 983 and Mr. Doss as Business Representative of the Teamsters.

Q. Was anybody else present besides yourself, Mr. Doss and [18] Mr. Slayden at that time?

A. No, there was not.

Q. Will you continue, please?

A. And after the introduction I told him that the majority of the employees at the Idaho Egg at Pocatello had signed authorizations authorizing us to represent the employees and that we had that morning received a letter from him that it was referred to the Caldwell office and I asked him if they would get in direct touch with us or whether or not the word would come through the Caldwell office to him, that he was the local manager and we would like to, as far as contact we had, we would like to know the policy of procedure of the company, whether or not we could deal through him or whether it would be direct. He said it was all turned over to the Caldwell office and as yet he hadn't heard what their policy would be, whether they would deal with us or whether they would request an election, he did not know.

Q. (By Trial Examiner Bennett): Was this in the afternoon?

A. No. I think it was in the morning, about 11 o'clock or 11:30.

Q. You said, Mr. Lott, Mr. Doss is Business Representative of what, Local 983?

A. Yes.

Then Mr. Slayden said that he didn't like the

(Testimony of Clarence Lott.)

way we had come in the back door and stirred up the employees and organized [19] them, he didn't like our methods. And I informed Mr. Slayden that neither Mr. Doss nor myself had ever been on his premises before or, or, that is, on the company premises before, that was the first time, that is, that morning, that I had been inside of the Idaho Egg, that the employees themselves was the ones who had sought *or* organization. And he said that somebody had been in stirring them up and talking to them and telling them a lot of lies and that they did not, he did not need anybody, any labor organization, or a bunch of radicals, to tell him how to run his business. I told him we weren't a bunch of radicals, that the employees had a right to select a labor organization or anyone whom they seen fit to represent them and get a contract covering their employment and that that was their God-given right and that the company had no right to interfere in any way with the organization of the employees. I told him I understood that he had had a meeting with the employees the previous Saturday and he told me that was right, that he had had a meeting and he would talk to the employees any time that he seen fit, anywhere that he seen fit, that this was not Russia and that he had a right to talk to his employees. I told him that was true as long as he did not make any threats or any promises to the employees and that I had understood that he had threatened to discharge some of them, and he said, "Well, I don't need to discharge them for

(Testimony of Clarence Lott.)

belonging to a union or joining a union. You know well enough that if I want to discharge [20] an employee I can find plenty of reasons for discharging an employee, without discharging him for belonging to a union." I told him that I understood that he had told the employees that the company could put in machinery if they belonged to a union——

Q. (By Mr. Eberle—interrupting): Did you say he said or you said?

A. That I had understood that he had told the employees that they could put in machinery replacing the employees so that there would only be about three or four employees where there was now approximately 20 and he said, "That's right, I have got the plans right here in my safe. They are only waiting for my approval or disapproval to go in." And I asked him if he had told the employees that if it was economically feasible that the company would probably place in those, the machinery, whether or not they belonged to the union and he said no, he didn't think that was necessary. I told him I understood at the meeting that he had offered the employees transportation and pay for their time if they wanted to go down and withdraw from the union. He said that he had, "I have let employees off a lot of times with pay and", he said, "I never docked an employee's pay"—he didn't say never—he said, "There's lots of times that I do not dock employees when they go uptown on their own business. I asked him if he had checked

(Testimony of Clarence Lott.)

with the wage and hour, that was, that that was probably a violation of the Wage and Hour Law because it didn't reflect the true wages of the [21] employees if he gave the employees time off to conduct personal business without deducting from their time. And he said he had offered them to let them take his car to go up to the union. And I asked him if he had any objections to us talking to the employees, that during their lunch period or after hours, or before hours, when they were not working, that we had no intention of interfering in any way with the employees performing in their duties, and he said, "No, not unless I am present." And I said, "Do you mean you will not let us talk with the employees unless you are present?" And he said, "That is right", that he didn't want us talking to them at any time. He said, "I just can't stop you, but I want to be present at any time that you talk to the employees."

Q. (By Trial Examiner Bennett): Was this on company premises or otherwise that you are talking about?

A. I asked him to speak to the employees on the lunch period, so it would be on company premises; their lunchroom is in the basement of the operation. I was just talking to him about talking to the employees on their lunch period. There was no mention of company premises.

* * * * *

Mr. Eberle: If the Examiner pleases, to this whole line of examination, I didn't realize how far

(Testimony of Clarence Lott.)

counsel was going with it, but I would like to have an objection to all of [22] this as not within the charge nor within the issues of this case. If the Examiner would reserve his ruling on it, this is going far afield of anything that is involved in this case. I didn't anticipate that he would be permitted to use hearsay evidence. I thought it was preliminary. But now apparently it is an effort to prove the whole case by things that he understood involving matters not within the charge or within the complaint.

Mr. Bruckner: I don't see where the objection has any validity, inasmuch, sir, the complaint itself alleges certain unfair labor practices. The testimony here relates to a conversation between the witness and the branch manager of the company bearing directly upon the unfair labor practices which are alleged, and what we have here are admissions of the branch manager who is the employee of the company, the representative of the company named in the complaint as the representative who did commit the unfair labor practices.

Trial Examiner Bennett: And therefore the hearsay rule would not be applicable?

Mr. Bruckner: That is correct.

Mr. Eberle: Excepting insofar as we cannot tell, when a man starts relating this long series of conversations, what he is going to say, and I would like to have my objection to all these answers, insofar as it exceeds the particular charges involved.

Mr. Bruckner: I should also like to point out

(Testimony of Clarence Lott.)

here, sir, that even with respect to any of those, of that matter that would appear at least on its face to go beyond the specifications in the charge, that it does, that it is material and relevant in terms of anti-unionanimus.

Mr. Eberle: That is a matter of argument. If we could just have the record preserve our objections.

Trial Examiner Bennett: The record will indicate your objection. I think I will indicate at this point, however, that insofar as possible unfair labor practice findings are concerned, I don't propose to find any beyond the scope of what is alleged in the complaint.

Mr. Eberle: All I am asking is that——

Trial Examiner Bennett (interrupting): I am not disagreeing with the General Counsel that the subject matter may be competent as an admission or that it may be competent to reflect the attitude of the agent or representative of the Respondent, but insofar as potential findings are concerned, I consider the complaint and answer as framing the issues before us.

Mr. Eberle: The record may then show our objections to any matters in these conversations in excess of the charges?

Trial Examiner Bennett: All right. [24]

* * * * *

Q. (By Mr. Bruckner): I will direct your attention back to the meeting of September 22, which is the meeting of the employees at the Labor Temple, and I will ask you if you can recall whether any-

(Testimony of Clarence Lott.)

thing was said by any of the union representatives at that time with respect to disclosing the names of employees who signed authorization cards.

A. Yes, there was.

Q. What was said and by whom?

A. I told the employees that there would be, that we would not disclose to the company any of the names of the employees who had signed authorizations, that it would be necessary that those cards accompany the petition to the Board to show that we had the necessary representation to file for an election.

Q. Was that about all that occurred during the course of your conference with Mr. Slayden, sir, on September 28? I am now back to September 28, the conference with Mr. Slayden and yourself and Mr. Doss present.

A. Well, I told him that it might be embarrassing if he attended us addressing the employees but that we would be down to see the employees at a later date during their lunch period.

Q. Is that about all that occurred?

A. Yes, sir. [25]

Q. Subsequent to that time was a consent election agreement entered into by and between the company and the union?

A. Subsequent to what time?

Q. To September 28, sir, after September 28 was there a consent election agreement signed between the company and the union?

A. Yes, there was.

(Testimony of Clarence Lott.)

Mr. Bruckner: Will the reporter mark for identification as GC-6 a document entitled "Agreement for Consent Election", bearing signatures purporting to be those of Earl H. Brockman, General Manager, Idaho Egg Producers, Clarence Lott, Teamsters Union 983, Howard Hilbun, Field Examiner, National Labor Relations Board, and Thomas P. Graham, Regional Director, National Labor Relations Board. [26]

* * * * *

Q. (By Mr. Bruckner): I will direct your attention to October 5, 1953, likewise a Monday, and ask you if you and Mr. Doss returned to the company plant on that date?

A. Yes, we did.

Q. About what time was this, please?

A. We went down about five minutes, five or ten minutes, to 12.

Q. I am sorry. What time was that?

A. About five or ten minutes to 12.

Q. Whereabouts in the plant did you go at that time? A. We went into the office first.

Q. Did you inquire for Mr. Slayden there?

A. Yes.

Q. Whom did you inquire of? [27]

A. The office girl there.

Q. What was her reply?

A. That Mr. Slayden had already left for lunch.

Q. What did you do then?

A. We asked her where the lunchroom was and she told us it was down in the basement.

(Testimony of Clarence Lott.)

Q. Did you tell her who you were?

A. Yes.

Q. What did you tell her? A. That——

Mr. Eberle (interrupting): How is that material?

Mr. Bruckner: Is there an objection?

Mr. Eberle: Yes, there is. We are just prolonging this record on a lot of these things that are not material. What difference does it make what they said or what she said?

Trial Examiner Bennett: I will take the answer.

A. I told her Mr. Doss and I were from the Teamsters and we would like to see Mr. Slayden and she said he had already left for lunch.

Q. (By Mr. Bruckner): What did you do then?

A. We asked her where the lunchroom was and she told us and we went down there and there were two or three men sitting down on some sacks eating their lunch and we stopped and told them that the consent election agreement had been signed and that probably within the next, in the next trip in, that a Board [28] agent made into the territory, that an election would probably be set up. And then we went on down into the basement.

Q. What time was this that you were in the basement?

A. About four or five minutes after 12.

Q. Were any employees of the company there at that time? A. Yes.

Q. Do you know who they were?

A. I am not acquainted with the employees

(Testimony of Clarence Lott.)

enough to know them by name, I know some of the employees by name and face, but——

Q. Were they male or female?

A. They were female employees.

Q. Was Mr. Doss with you, sir? A. Yes.

Q. What did you say, if anything, at that time?

A. We went into the lunchroom and told the women the same thing, that we had filed a, had signed a consent agreement and that the Board would probably set up an election the next time they came in. One of the employees that I later found out was Mrs. Monroe said that they had chosen a couple of girls to represent them, to be their spokesmen, not represent them but be their spokesmen, and that they were outside and they thought they ought to be present if there was going to be any discussion take place. One of the other girls left to go out to tell the girls out in the car, too, that they had supposedly selected, who they had selected for a spokesman. And Mrs. [29] Monroe said that she thought they had changed their mind and I asked her what had brought that about——

* * * * *

Q. (By Mr. Bruckner): Was anything said about the promise to keep the names of the authorization card signers secret? A. There was.

Mr. Eberle: When was this?

Mr. Bruckner: This was at the same conversation, during the same conversation, at the same time.

A. (Continuing) I don't know the woman, one

(Testimony of Clarence Lott.)

of the women said that we had promised not to divulge the names of the employees that had signed authorizations and Mr. Slayden knew every one of them.

Q. (By Mr. Bruckner): Did you make any reply to that?

A. Yes. I told her that we had not divulged any names and we had kept our promise but we could not stop the employees that were present at the meeting informing Mr. Slayden who was [30] at the meeting and who had signed authorizations, we couldn't stop the employees from talking.

Q. During the course of any part of this conversation did Mr. Slayden arrive? A. Yes.

Q. Will you tell what occurred when he did arrive, please?

A. Mr. Slayden came down in the basement and he said, "Well, I see you snuck in." And I told him we hadn't snuck in, that we had come down to inform the employees that a consent agreement had been signed and that we had stopped at his office prior to coming down but he had already left for lunch and that—then he said well, he didn't see where the employees needed a bunch of radicals to speak for them and they could speak for themselves. And I told him it didn't look like they could speak for themselves, they wasn't even free enough that they could have a few minutes to discuss their problems without having him present. And the employees began to get up to go to work and so Mr. Doss and myself and Slayden started out.

(Testimony of Clarence Lott.)

Q. Did you have any further conversation with Mr. Slayden after the employees started to go to work?

A. Yes. Up at the top of the stairs.

Q. Who was present at that time, at that point?

A. Doss and myself and Slayden.

Q. Will you relate the conversation as best as you can recall what took place? [31]

A. Mr. Slayden said he didn't need a bunch of Communists to tell him how to come in and run the business and we told him that we weren't Communists, that if he would look into labor organizations he would find that labor organizations had done a great deal to fight Communism, and especially the Teamsters, that our constitution ruled out any memberships of Communists in the organization. He said that I had to have a bodyguard when I come down to the operation, that I couldn't come down by myself, and I told him that he didn't scare anybody, that Mr. Doss was not a bodyguard but a business representative of the Teamsters Union.

Q. Was anything said about an attorney being employed during the course of that conversation?

A. Yes. I told him I understood that his attorney was, had spoken to him about his conduct, and he said, "That is right. The employees have a right to join a union any time they want to."

Q. And what did you say to that?

A. I said, "Don't they have a right not to join

(Testimony of Clarence Lott.)

a union?" And he said, "Yes, they have a right not to join a union if they don't want to."

Q. Was anything else said during that conversation? A. That is all I can recall.

Q. And, I take it, you and Mr. Doss then left?

A. Yes.

Q. Was that your last visit to the company?

A. Yes.

Q. To your knowledge, was that also Mr. Doss's last visit to the company? A. Yes.

Q. Did you have any further conversations with Mr. Slayden after that date, either by telephone or anything else? A. No.

Q. This petition that was filed by you, which is GC-4 in evidence, was assigned the Case Number 13-RC-1391 by the Board. Did you subsequently withdraw that petition, sir? A. I did.

Q. Was that withdrawal by wire on October 29, 1953? A. Yes, sir.

Mr. Eberle: October what?

Mr. Bruckner: October 29, 1953, sir.

Q. (By Mr. Bruckner): And the petition for the withdrawal thereof was approved by the Regional Director, as is shown by a letter dated November 2, 1953, that was sent you and the company, is that correct, sir? A. Yes.

Mr. Bruckner: That was November 2 on that, Mr. Eberle.

Mr. Eberle: November 2?

Mr. Bruckner: Yes, sir.

Q. (By Mr. Bruckner): In your function as

(Testimony of Clarence Lott.)

Secretary Treasurer of the Union, did you have occasion to distribute to certain [33] employees of the company blank authorization cards?

A. Yes.

Q. Did you later receive from these employees or from other employees, in addition to them, authorization cards bearing signatures and dates?

A. Yes.

* * * * *

Mr. Bruckner: Will the reporter mark for identification the following documents as General Counsel's Exhibit 7-A, authorization card purporting to bear the signatures of individuals as follows: Thora Panter.

B, Ida Mae Brooks;

C, Carrie Tofanelli;

D, William S. Hoffman;

E, Elizabeth Pharris;

F, Mrs. Evelyn Pharris;

G, Lena Panter. [34]

And as GC-8 for identification:

A, Donna Christenson;

B, Gene Ellsworth;

C, Frances F. Sladek;

D, Velma Armstrong;

E, Erma Herzinger;

F, Janet Stoddard;

G, Ruthe Jensen;

H, Bernard Godfrey;

I, Russell Going.

* * * * *

(Testimony of Clarence Lott.)

Q. (By Mr. Bruckner): I will show you what has been marked as 7-A through G, inclusive, and 8-A through I, inclusive, and ask you if these are the cards that you received from the employees.

A. From the employees or——

Q. From certain employees to whom you gave the cards for distribution and solicitation.

A. Yes. * * * * * [35]

Q. (By Mr. Bruckner): In addition to the cards that I have just shown you, Mr. Lott, were there any other cards which were given to you which are not included among those which have just been shown you

Mr. Eberle: We object to that as immaterial.

Trial Examiner Bennett: Overruled.

A. Yes.

Q. (By Mr. Bruckner): Do you recall the names of the employees whose signatures were on those cards?

Mr. Eberle: We object to that as being improper evidence.

Trial Examiner Bennett: You are offering this to prove that they signed cards?

Mr. Bruckner: If the court please, I am laying a foundation for introduction to receive into evidence the testimony of this witness under the best evidence rule.

Mr. Eberle: It certainly isn't the best evidence.

Mr. Bruckner: These cards were lost, this man is no longer in possession of these cards.

(Testimony of Clarence Lott.)

Trial Examiner Bennett: These were cards purportedly received from whom?

Mr. Bruckner: May I ask this witness a question?

Trial Examiner Bennett: I will follow this briefly. I am not indicating that I am agreeing with your position. [36]

Mr. Bruckner: I understand that. I am aware that I may be stopped at any time.

Mr. Weston: Did you rule on our objection?

Trial Examiner Bennett: I will give you a running objection. I would like to find out what it is leading up to. Then I will give a ruling.

Mr. Weston: We are objecting to the names.

Mr. Bruckner: I am going to qualify the witness.

Q. (By Mr. Bruckner): From whom did you receive those cards?

A. From Marvin Herzinger and his wife.

Q. Erma Herzinger? A. Yes.

Q. Are those the same Herzingers whose names appear on most of those cards as witnesses?

Mr. Eberle: I didn't think they did.

Mr. Bruckner: Here (indicating).

Q. (By Trial Examiner Bennett): As I understand it, you have received the 16 cards plus several others from Marvin Herzinger. Is that right?

A. Yes.

Q. You didn't see these others signed, the ones that have allegedly been lost? A. No.

Mr. Bruckner: At this time, sir, if the court

(Testimony of Clarence Lott.)

please, I am going to ask the names of these employees. [37]

Trial Examiner Bennett: And you are offering this to show that these employees signed cards?

Mr. Bruckner: Yes, sir.

Mr. Eberle: We object to it as not the best evidence and he is not qualified; no foundation laid.

Mr. Bruckner: I believe that with respect to one aspect of the objection, if I may proceed with two or three more questions——

Trial Examiner Bennett (interrupting): But, in any event, he did not see the cards signed?

Mr. Bruckner: No, sir, he did not.

Trial Examiner Bennett: All he knows is that he got these cards from somebody else?

Mr. Bruckner: Yes, sir.

Trial Examiner Bennett: He got cards purporting to bear certain signatures and thereafter they were lost, is that correct?

Mr. Bruckner: That is correct, sir. As a matter of fact, that will constitute my offer of proof.

Trial Examiner Bennett: If you like, I will treat it as an offer of proof. I am disposed to sustain the objection as to those other cards.

Mr. Bruckner: Very well. And, in addition to what you named, as what I characterized as my offer of proof, I will say that part of my offer of proof will be that if this witness [38] were permitted to answer he would state that he was custodian of the cards and that he made a search for the cards and that the search was not successful.

(Testimony of Clarence Lott.)

Mr. Eberle: The basis of my objection is that he would not be competent to testify as to the circumstances of the signing of the cards.

Mr. Bruckner: Yes, sir. Without going into argument on this, I would like the Trial Examiner to just note that the admission of cards is qualified upon the basis of a witness testifying that he distributed the cards for signature, that they were returned to him by employees of the company, that he was custodian of the cards, that this was his function as an organizer, period.

I take it, that is still your ruling.

Trial Examiner Bennett: I will reaffirm my ruling. I am disposed to require testimony either by the signer of the card or by someone who saw the card signed by the signer.

Mr. Bruckner: Very well. I disagree with that, but I will go along with it.

Trial Examiner Bennett: I don't purport to be infallible but I feel that that is a reasonable method of authentication.

Mr. Bruckner: I agree with the Examiner, sir, but it appears that the Board in several cases has been a bit more liberal with this rule.

I have no further questions at this time. [39]

Cross Examination

Q. (By Mr. Eberle): Mr. Lott, going back now to the meeting of the 22nd, you said there were 18 present. Can you give me the names of those who were present? A. No, sir.

(Testimony of Clarence Lott.)

Q. (By Mr. Eberle): Was it a surprise to you, all a surprise to you?

A. No, it wasn't a surprise.

Mr. Bruckner: I will have an objection to that.

A. No, it wasn't a surprise.

Q. (By Mr. Eberle): You had heard about it before? A. I had heard about it.

Q. You knew that something was going on?

A. I was directing it, but that doesn't say I have to direct it with the employees.

Q. Through whom were you directing them?

A. Through the business agent, Mr. Doss, Dewey Doss.

Q. And that was the only one?

A. No. I had had some conversations with Marvin Herzinger.

Q. Through Mr. Doss and then also through Mr. Herzinger? A. Yes.

Q. Mr. Herzinger is not an employee, is he?

A. No. [42]

Q. He does work for you in organizing, that is, for the Local 983?

A. He is the steward; in fact, all of our members does organizing at times.

Q. I see. But you were operating through Mr. Doss and Mr. Herzinger? A. Yes.

Q. And then he took it from there on?

A. I don't know what you mean by "took it from there on".

Q. I notice his name on some of these cards. So he went ahead and did the organizing then?

(Testimony of Clarence Lott.)

A. Mr. Herzinger?

Q. Yes.

A. You have reference to Mr. Herzinger?

Q. Yes.

A. He did some of it, yes.

Q. Who else did it, that you know of?

A. I don't inquire as to all of the ratifications, who is doing it, and——

Q. Let's get to this. You were doing the organization through Mr. Doss and Mr. Herzinger?

A. Yes.

Q. But not through Mrs. Herzinger? A. No.

Q. At this meeting, you said, there were a number of questions [43] asked. By whom were these questions asked?

A. Well, we don't pinpoint, in a meeting, as to who asks the questions and which one asked the questions. We never do.

Q. You just don't know? You know there were some questions asked and that is all?

A. Well, Mr. Hoffman asked a good many of the questions, and Mr. Godfrey—there was people that asked questions that I don't know.

Trial Examiner Bennett: You have answered the question.

Q. (By Mr. Eberle): The eighteen that were present, you counted eighteen at that meeting?

A. Yes.

Q. And were they all employees?

A. There was 18 employees; there was more in the meeting than 18.

(Testimony of Clarence Lott.)

Q. Then you want to correct your answer; there were more than 18 in the meeting?

A. There was 18 employees, as we have testified.

Q. If you will just answer the question, you see, we will get along quicker. I asked you how many were at the meeting?

A. You mean how many people were at the meeting?

Q. That is, ordinarily, how many people would be there, certainly. A. I think it was 22.

Q. Who were the four that were not employees?

A. Myself, Dewey Doss, Marvin Herzinger and Sladek.

Trial Examiner Bennett: Who is he?

The Witness: He is a member of the Teamsters Local 983.

Q. (By Mr. Eberle): Is he the husband of one of the employees? A. Yes.

Q. And Herzinger is the husband of another employee? A. Yes.

Q. You have given us all of the conversations, correspondence and communications between you or the union and Mr. Slayden?

A. All that I can recall.

Q. You don't know of any others that you haven't testified to? A. Any other——

Q. Well, the question was conversations, letters, correspondence or any other memorandum between you and the Egg Producers as far as Slayden is concerned.

A. No, I can't recall any, not at this time. You

(Testimony of Clarence Lott.)

have reference to the dates, or as to conversations?

Mr. Eberle: Well, I thought my question was clear.

Trial Examiner Bennett: He just asked whether you recall any other letters or talks other than the ones you have told us about.

The Witness: Well, I can't recall any with Mr. Slayden other than the ones I have testified to.

Q. (By Mr. Eberle): Or any other correspondence other than that in evidence here? [45]

A. No.

Q: You don't know who the office girl was, you don't know her name or anything?

A. I believe it is Mrs. Calloway.

Q. Calloway? A. Yes.

Q. Have you any knowledge as to whether any car was used, any company car was used?

A. Not to my knowledge, I don't know of any.

Q. After Mr. Slayden had expressed these various opinions which you have testified to, I understood, I understand you said that he told you that after all, every member, every employee had a right to either join the union or not join the union?

A. I think he made that statement.

Q. Now, this conversation about his wanting to be present, that pertained to your having a meeting with the employees on the premises?

A. There was no designation as "on the premises" but it was understood that we wanted to speak to them in the lunch period, in the lunch room.

(Testimony of Clarence Lott.)

Q. He had no objection to your various organizers anyplace else?

A. He told use he didn't want us talking to the employees, and he didn't say on the company premises or anything else. [46]

Q. You understood that?

A. It was assumed because we were discussing about the lunch room.

Q. As a matter of fact, hadn't he told you when you first went there that if you had any meetings on the premises he wanted to be there?

A. He told me if I talked to the employees at any time——

Q. On the premises?

A. Well, he didn't say "the premises", "if you are talking to the employees I want to be present". It was understood because we were discussing the company——

Trial Examiner Bennett (interrupting): I think you and the witness are in agreement on the point.

Mr. Eberle: Yes.

Q. (By Mr. Eberle): On the 5th of October, I think, about 5 minutes after 12, you went by and saw two or three men sitting on some sacks. Who were they?

A. I couldn't tell you. Mr. Godfrey was the only one there that I was personally acquainted with.

Q. But you don't know the others?

A. Well, the foreman——

Q. Talbot?

(Testimony of Clarence Lott.)

A. Talbot, I understood, was one of the men, but I had never met him.

Q. You had never met him. And then you said you went down to [47] lunchroom and you said there were several women there. Now, who were they? A. I don't know.

Q. How many were there?

A. I never counted them.

Q. You said at that meeting some of the women said that you had promised not to divulge the names. Is that correct?

A. That statement was made in the lunchroom there, yes.

Q. Yes, in the lunchroom. Well, did you know whether someone had?

Mr. Bruckner: I am sorry, sir. I don't understand.

Mr. Eberle: Someone had divulged the names.

A. Well——

Q. (By Mr. Eberle—interrupting): Do you know?

A. Well, only from what the employees told me, that they had divulged, that the names had been divulged to Slayden.

Q. Did they have some feeling about that?

A. Yes.

Q. Did they tell you that had anything to do with their changing their mind about the union?

A. Yes. It had placed a fear of discharge among them.

Q. Who made that statement?

(Testimony of Clarence Lott.)

A. The woman who raised the question about the cards.

Q. That was Mrs. Monroe?

A. No. Mrs. Monroe was not the woman who raised the question [48] about the cards.

Q. Yes. Yes, yes, you said Mrs. Monroe told you that, I thought she was the one who said, that raised the——

A. No, Mrs. Monroe was the woman who raised the question about having, that there was two other women that had been selected as spokesmen.

Q. I see. So Mrs. Monroe—well, who told you about the fact that they had known about someone telling the employer?

A. I don't know the woman's name.

Q. You don't know who she was?

A. No.

Q. What did she look like?

A. She was an elderly lady, I would say about 55, between 55 and 60.

Q. Dark-complected? A. Gray hair.

Q. She is the one who made that statement to you? A. Yes.

Q. Who handed these cards to you?

A. Marvin Herzinger handed the cards to me.

Q. And at the time that you received them they were in the same condition as they now are?

A. No. They weren't stapled together.

Q. Well, I mean, the cards themselves had the same printing and writing on them at the time you received them that they [49] now have?

(Testimony of Clarence Lott.)

A. That is right.

Q. That last time that you went down to the lunchroom, Mr. Lott, I believe you said that you went down to tell the employees that the company had consented to an election?

A. That is correct.

Q. And that was important, for them to know that?

A. We had promised the employees we would keep them posted on the progress——

Q. (Interrupting) You had also told them there would be an election? A. No.

Q. You hadn't told them?

A. No. I told them we would file a petition for an election, the company had a right—I explained that the company could deal with the union direct on the presentation of evidence or they could request an election, refuse to——

Q. And what was the purpose of going down there?

A. Was to tell them that we had signed the consent election agreement. [50]

* * * * *

DEWEY DOSS

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Bruckner): Your name and address, please.

(Testimony of Dewey Doss.)

A. Dewey Doss, 127 Berryman Road, Pocatello, Idaho.

Q. You are the same Dewey Doss who was referred to in the previous testimony by Mr. Lott?

A. Yes, sir.

Q. You were present here in the courtroom during Mr. Lott's testimony, weren't you, sir?

A. Yes, sir.

Q. You overheard the questions and answers at that time?

A. Yes, sir.

Q. And your status is Business Agent of Teamsters 983?

A. Yes, sir.

Q. How long have you had that job?

A. Since December 5, 1949.

Q. I will ask you your opinion with respect to the accuracy of Mr. Lott's testimony, such testimony which goes to any incidents or conversations at which you were present—— [51]

Mr. Eberle: We object to his opinion as being immaterial.

Mr. Bruckner: Very well. Then we will go through the entire thing.

Q. (By Mr. Bruckner): Mr. Doss, did you attend a meeting of the employees on September 22, 1953, at the Labor Temple?

A. Yes, sir, I did.

Q. Can you state how many employees, if you know, of Idaho Egg Producers were present at that time?

A. Eighteen.

Q. How do you know there were 18 there?

A. I counted them.

(Testimony of Dewey Doss.)

Q. To your knowledge, were any supervisors of the company present? A. No.

Q. Do you know the supervisors of the company? A. No.

Q. Did you have occasion to meet Mr. Talbot?

A. No.

Q. Can you briefly tell us——

Mr. Bruckner: Strike that.

Q. (By Mr. Bruckner): Did anybody chair at that meeting?

A. Mr. Marvin Herzinger was chairman at the meeting, yes, sir.

Q. Did Mr. Lott speak? A. Yes, sir.

Q. Did you speak? A. Yes, sir.

* * * * *

Q. (By Mr. Bruckner): Was anything said about the purpose of the meeting?

A. Yes, sir.

Q. By whom? A. By myself.

Q. What did you say?

A. I introduced myself as being a representative of the Teamsters Union and due to the fact that Mr. Herzinger was more or less helping us in the organizational procedures of the company employees I felt that he should be the chairman of the meeting, [53] which he consented to do. At that time I turned the chair over to Mr. Herzinger.

Q. Was anything said about the procedure to be followed with respect to negotiating or bargaining with the company? * * * * *

(Testimony of Dewey Doss.)

A. Mr. Lott explained the procedure.

Q. What did he say?

A. He explained to the employees pretty much as he has already testified here, that the company had a perfect right, under the National Labor Relations Act that the company could force the union to a representation election; if they did not, we could deal directly with the company without the election.

Q. Was anything said about the purpose of the authorization cards that were signed?

A. Yes, there was.

Q. By whom?

A. By myself and Mr. Lott.

Q. What did you and Mr. Lott say about that?

A. We explained to the employees that it was necessary to [54] have a majority of the employees sign those authorization cards before the Board would recognize us as being a bargaining union for the employees.

Q. Was anything said about what procedure you would follow with respect to filing a petition and request for bargaining with the company?

A. There was.

Q. By whom?

A. Mr. Lott.

* * * * *

Mr. Eberle: We object to the hearsay testimony of what other people said at these meetings. We can't be bound by statements that were heard by this man, that this man heard made by others. How can we be bound by that?

(Testimony of Dewey Doss.)

Trial Examiner Bennett: The record indicates that the statements were not made in the presence of a representative of management, or of the Respondent. On the other hand, I think it is competent to illustrate the union organizational activities.

* * * * * [55]

Q. (By Mr. Bruckner): Was anything said during that meeting about disclosing the names of signers of authorization cards? A. Yes.

Q. By whom? A. Mr. Lott.

Q. What did he say about that?

A. He explained that the company would not be given the names of the employees who attended the meeting or the employees who signed the authorization cards, that they would go directly with the other necessary papers to the Board.

Q. Directing your attention to September 28, Monday, you accompanied Mr. Lott to the company premises? A. Yes, sir.

Q. And at the company premises you had a conversation with Mr. Slayden, sir? A. Yes, sir.

Q. And, between you and Mr. Lott, who did most of the talking for the Union?

A. Mr. Lott was spokesman for the Union.

Q. Do you recall what was said at that time, sir? [56] A. Part of it, yes.

Q. Will you state to the best of your recollection what was said and who said it? First of all, were any other witnesses present? A. No.

Q. Now answer the previous question if you will.

(Testimony of Dewey Doss.)

A. As Mr. Lott has already stated, we went to the company premises in the morning and Mr. Slayden was out. We checked at the office and the lady told us that he was out, he had gone to town and he would be back later. We explained to her who we were and we would be back later in the day.

Q. In any case, you did come back and talk to Mr. Slayden?

A. Yes, before noon of that same day.

Q. Will you tell us what Mr. Slayden said and what Mr. Lott and you said, if anything?

A. We introduced ourselves as being representatives, Business Representative and Secretary, of the Teamsters Union and that a majority of the employees had signed authorization slips for representation. One of the statements of Mr. Slayden was that he didn't like the way we had come in the back door to stir up his employees. Mr. Lott assured him that neither he nor myself had ever been in the operation, that the employees had come to us themselves for representation and, as Business Representative and Secretary for the Teamsters Union, that was part of our duties, to represent those employees who sought [57] organization.

Q. Do you recall whether anything was said during that conversation about a meeting of employees on company time which had been held on Saturday, the 26th of September?

A. Mr. Lott says to Mr. Slayden, "I understand you have been threatening the employees and you also have had a meeting of the employees on com-

(Testimony of Dewey Doss.)

pany time and have offered to furnish them transportation to go over to the union and withdraw their names from the union." And he said, "That is right. I will have a meeting of my employees anytime, anywhere I so desire, whether it is on company time or not."

Q. Was anything said during the course of that conversation about machinery that could be installed to replace the employees?

A. Mr. Lott asked him the question if he had threatened the employees with installing machinery if they went union and he said yes, he had told the employees that he could install machinery that would eliminate a lot of the jobs, that the plans were in his safe at the present time and all that he had to do was to give his go-ahead on the plans to have the machinery installed. [58]

* * * * *

Q. (By Mr. Bruckner): Did Mr. Slayden say anything about whether it was necessary to tell the employees that the machinery would be put in whether the union came in or not?

A. He said that he didn't feel that it was any of the employees' business to know whether or not machinery would be put in.

Mr. Bruckner: Would you repeat that?

(Last question and answer read.)

The Witness: I would like to correct that. He said that he didn't feel it was necessary to tell the employees.

(Testimony of Dewey Doss.)

Q. (By Mr. Bruckner): Necessary to tell them what, sir?

A. That the machinery would be put in——

Q. Go ahead.

A. Whether the union came in or not.

Q. I see. That is your complete answer?

A. Yes.

Q. Was any request made by Mr. Lott to speak to the employees on their lunch hour?

A. Yes, there was.

Q. Can you recall what Mr. Lott said with respect to that?

A. Mr. Lott requested of Mr. Slayden the opportunity to [59] talk to the employees during their lunch period. Mr. Slayden said, "Provided I am present, you can talk to them."

Q. What did Mr. Lott reply, if anything?

A. Mr. Lott said, made the statement that "Do you mean to say that if we talk to the employees on lunch time, that you intend to be present?" and Mr. Slayden said, "That is right. I intend to be present anytime you talk to the employees."

Q. Did you return to the plant on Monday, October 5, 1953, in company with Mr. Lott?

A. Yes, sir.

Q. Did you speak to Mr. Slayden at that time?

A. Mr. Slayden had already gone to lunch.

Q. I see, sir. When did you and Mr. Lott arrive at the company plant?

A. I would say 10 minutes before the lunch hour of 12 o'clock.

(Testimony of Dewey Doss.)

Q. And how did you know whether Slayden had gone to lunch?

A. We checked at his office first, with his office, and his office girl told us he had left early.

Q. And, I take it, you then went down to the lunchroom, to the basement, to speak to the employees in the lunchroom? A. We did.

Q. Do you know any of the employees who were present at that time?

A. Not personally I don't.

Q. About how many were present, sir? [60]

A. About 7 or 8, I would say.

Q. Were they male or female?

A. Female.

Q. Were they all female? A. Yes.

Q. During that conversation with those employees,, until such time as Mr. Slayden arrived, was anything said by any of the employees, or by anybody, about having been promised part of what they wanted? A. Yes.

Mr. Eberle: Who said this, now?

Mr. Bruckner: I am just asking if this was said. I am not going into who said it, sir.

Q. (By Mr. Bruckner): Who said it and what was said?

A. The lady that Mr. Lott described in his testimony.

Q. What was her name, if you know?

A. Mrs. Carrie Monroe, I believe, sir.

Q. What was it that she said?

A. She said that the two people that they had

(Testimony of Dewey Doss.)

chosen as spokesmen were not present and they felt they should be in on the discussion if any union activities were going to be discussed during the lunch hour. And immediately one of the ladies in the room left to go call the other ladies in. And in the meantime Mrs. Monroe said that the company——

Mr. Eberle (interrupting): We object to any statement [61] Mrs. Monroe made at that time.

Trial Examiner Bennett: For what purpose are you offering it?

Mr. Bruckner: If the Examiner please, I think this is important, to show the attitude of the employees, the reception accorded to union representatives by employees who had signed cards, the atmosphere which pervaded the company at that time.

Trial Examiner Bennett: If you are offering it to show what the employees said, I suppose it is competent, but I don't think it is competent to prove what was said to the employees by management.

Mr. Bruckner: Yes, sir, I understand that. This is hearsay with respect to whether the acts which the employees maintain were done were in fact done.

Trial Examiner Bennett: I see.

Mr. Bruckner: I am not offering it for that purpose.

Trial Examiner Bennett: I will let you offer it

(Testimony of Dewey Doss.)

for the other purpose. I am not indicating how material it is, or what weight I will give it.

Mr. Bruckner: Yes, sir.

Trial Examiner Bennett: I will overrule the objection on that basis.

Q. (By Mr. Bruckner): Will you continue with your answer.

A. Mrs. Monroe said that management had already promised them part of what they wanted in the first place and that was Saturdays [62] off. And she also accused us of divulging the names of all those who had signed the authorization cards and who had attended the meeting. We assured her that we had not at any time divulged the names of the employees who had attended the meetings or who had signed, the employees who had signed authorization cards, but at the same time we weren't able to keep the employees themselves from talking to management as to who was in attendance at the meeting.

Q. Did Mr. Slayden arrive during the course of this?

A. Yes, sir.

Q. What was his statement at the time he arrived?

A. His statement before he even got to the lunchroom was "I see you snuck in."

Q. Did anybody reply to that?

A. Mr. Lott says, "We did not sneak in. We applied at your office before coming down and we

(Testimony of Dewey Doss.)

were informed that you had left for lunch early.”

Q. What did Mr. Slayden say then?

A. He said, “I don’t think that the employees need a union to represent them. They can speak for themselves.” [63]

* * * * *

Q. (By Mr. Bruckner): Can you relate what that conversation was at that time?

Trial Examiner Bennett: In addition to what you have already told us.

A. That was pretty much the end of the conversation as far as the meeting in the basement was concerned, because when Mr. Slayden came into the lunchroom it wasn’t time to go back to work yet, but the employees jumped up and started back to work even before it was time to, the regular time to go back to work. When the employees left there was no reason we should stay down in the basement, so we started back up the stairs. Mr. Slayden told us, when we got to the top of the stairs Mr. Slayden said that he didn’t feel that it was necessary for a [64] bunch of Communists to come in and represent his employees. Mr. Lott replied by saying, “We are not a bunch of Communists and if you knew anything about labor organizations you would know as a general rule they fight Communism, especially the Teamsters Union.” He said, “I understand that your attorney has been down and talked to you, but he doesn’t seem to have you straightened out as to what you are doing.” And he said, “Oh, yes, he has. The em-

(Testimony of Dewey Doss.)

ployees can join a union if they want to." And he said, "If I have violated any laws, go ahead and have me thrown in jail." And he said, "Well, you know that we can't have you thrown——

Q. (By Mr. Bruckner): Who said what?

A. Mr. Slayden said that, and he said, "We can't have you thrown in jail for talking to your employees"——

Trial Examiner Bennett: I don't see where this exchange of mutual admiration contributes anything to the record.

Mr. Bruckner: Let's just clarify who said what in that.

Q. (By Mr. Bruckner): Was it Mr. Slayden who said, "Throw me in jail", or words to that effect?

A. Mr. Slayden said, "If I have violated any laws, go ahead and have me thrown in jail."

Q. And it was Mr. Lott who replied that——

A. Yes.

Q. Very well. Was that the last time you spoke to Mr. Slayden? [65] A. It was.

Mr. Bruckner: Nothing further.

Cross Examination

Q. (By Mr. Eberle): You understood from Mr. Slayden at the time prior to this last meeting there that he didn't want you to have a meeting on the premises without his being present, didn't you?

A. Yes, sir.

Q. He made it pretty clear, didn't he?

(Testimony of Dewey Doss.)

A. Yes, sir.

Q. He said—and when he saw you got in there without his being present he was quite annoyed?

A. He seemed to be. * * * * *

Q. (By Mr. Eberle): Didn't you know he wanted to be there when you came in?

Trial Examiner Bennett: You may answer that.

A. That was his request at our meeting on September 28. [66]

* * * * *

Q. (By Mr. Eberle): On this question of machinery, you said that you told him you had heard, or Mr. Lott had heard, that he used this in connection with the employees. Mr. Slayden told you that it was just a question of economics, they had planned on machinery for a long time, didn't he?

A. He hadn't told the employees—

Q. (Interrupting) I am asking you what he was telling you.

A. He didn't say that they had planned on machinery for any definite period of time.

Q. But it was a question of economics, wasn't it, it was cheaper to use machinery than labor, didn't he say? A. Possibly.

Q. (By Trial Examiner Bennett): You mean, you are not sure or what?

A. I am not sure.

Q. (By Mr. Eberle): He told you he had had the plans for sometime, didn't he?

A. He said the plans were in his safe.

Q. Yes, that is right. There was nothing—now,

(Testimony of Dewey Doss.)

Mr. Lott said that you were doing the organizing. When did you first talk to the employees about this matter? A. At different times.

Q. Well, when?

A. Two months previous to the meeting on September 22.

Q. Whom did you contact then? [67]

A. For one person in particularly, Mr. Bernard Godfrey. He happens to be my next-door neighbor.

Q. And who else?

A. By telephone, Mr. Gene Ellsworth.

Q. Who else?

A. And with Russell Going, who happens to be an ex-member of our organization, who formerly worked for the Kraft Foods Company.

Q. And then who else did you have to go ahead and organize them?

A. Our job steward, Mr. Marvin Herzinger.

Q. And his wife? A. Yes.

Q. I say, Herzinger and his wife, they were the organizers? A. Yes.

Q. Were you present at the time that any of these cards were signed? A. Yes, I was.

Q. Just tell us which ones you were present at.

A. I don't recall which ones were signed at the time, but some of them were signed in the meeting. I mean, after the meeting, on September 22.

Q. But you don't know which ones they were?

A. No.

Trial Examiner Bennett: What do you mean, "after the [68] meeting"?

(Testimony of Dewey Doss.)

The Witness: After the meeting was regularly adjourned.

Trial Examiner Bennett: On the same date?

The Witness: On the same date.

Trial Examiner Bennett: Next question.

Q. (By Mr. Eberle): You knew that the employees wanted to get out of the union there, they wanted to withdraw there, these cards they signed and so forth?

Mr. Bruckner: Objection.

Trial Examiner Bennett: You may answer, based upon what they told you.

A. No, I didn't, because I wasn't home when the individual called, who also called Mr. Lott.

Q. (By Mr. Eberle): But you knew about it?

A. Not until he had told me.

Q. When did he tell you?

A. Monday morning.

Q. Monday morning? A. Yes.

Q. So practically all these things that you and Mr. Lott have been testifying about have been after you knew that they wanted to get out of the union?

A. Not necessarily.

Q. Well, Saturday was the 26th, wasn't it?

A. Yes. [69]

Q. Wasn't that the day they wanted to get out?

A. Yes.

Q. And these conversations of the 28th and so on were all after that time?

A. (No response.)

Q. Do you know what Mr. Lott told them when

(Testimony of Dewey Doss.)

they wanted to get out? A. No, I don't.

Q. You don't know anything about those things, he didn't tell you, he didn't mention it to you at all?

A. As a general rule, we don't work on Sunday. A lot of times we do, but that was one of the Sundays we didn't work.

Q. But the 26th was Saturday. You knew about this free transportation. What was that in connection with?

A. That was in connection with the telephone call made to Mr. Lott.

Q. So you do know about it, so you knew about it?

A. I don't know about it. Mr. Lott testified about it.

Q. You were saying a lot of things Mr. Lott told you, what he said, and he told you they wanted to get out on the 26th, didn't he? A. Yes.

Q. So you knew about it at that time, before these following meetings you had on Monday and Tuesday and so on?

A. He didn't tell me on the 26th because I didn't see him [70] then——

Q. On Monday morning, then?

A. The same time we had the talk with Mr. Slayden, yes.

* * * * *

Q. (By Mr. Eberle): Before the meeting you had at noon, then, Mr. Doss, you knew all about that? A. Yes.

(Testimony of Dewey Doss.)

Mr. Eberle: That is all.

Redirect Examination

Q. (By Mr. Bruckner): You, Mr. Doss, agreed that Mr. Slayden appeared to be annoyed when you saw him on your second occasion, which was October 5, is that correct, sir?

A. Yes, sir.

Q. Was he annoyed at the time you saw him the first time, on September 8? What was his attitude then?

A. Well, a little bit antagonistic.

Mr. Bruckner: Nothing further.

Recross Examination

Q. (By Mr. Eberle): After these conversations with Mr. Slayden [71] to whom did you make any statement about what he told you, outside of what you have made the statement here?

* * * * *

Trial Examiner Bennett: If I follow the question, you are asked if you discussed this talk with anyone else, that you had with Slayden, at any other time.

Is that your question?

Mr. Eberle: Yes.

A. With Mr. Godfrey and with Mr. Herzinger.

Q. (By Mr. Eberle): Those are the only two?

A. As I recall. * * * * * [72]

CLARENCE LOTT

a witness recalled by and on behalf of the General Counsel, having been previously sworn, was examined and testified as follows:

Further Direct Examination

Q. (By Mr. Bruckner): You understand, do you, Mr. Lott, that you are still under oath?

A. Yes.

Q. Mr. Lott, directing your attention to September 26, which was a Saturday, I will ask you, sir, if you recall receiving a telephone call from a person who held herself out to be an employee of the company on that day.

A. Yes, I did.

Q. At what time of the day was this, about?

A. Well, I can't recall just exactly the time of day. It was about the middle of the day. I was doing some work there at home and I was called, and——

Q. Do you recall if the person who made the call introduced herself by name?

A. No, I can't recall whether she—— [74]

* * * * *

A. (Continuing) I can't recall whether or not she identified herself by name over the phone, but I later found out who it was.

Q. Will you repeat the conversation as best as you can recall it, please?

A. I was called to the phone and the party said they were an employee of the Idaho Egg Producers and they wanted to know if they could withdraw from the union, how they would go about with-

(Testimony of Clarence Lott.)

drawing from the union, and I explained to her that she did not belong to the union. I explained that the cards that they had signed was authorization authorizing the local union to bargain for them but it wasn't a membership in the union.

Q. Do you recall anything else that was said during that conversation?

A. Well, she asked about the cards, if they could have their cards back, and I told her that they had been forwarded on to the Board, which was true; the next day, on the 23rd, when we had filed the election, for the election, the cards had been forwarded to the Board and it was in the hands of the Board.

Q. Do you recall whether anything else was said during that phone conversation or is that about it?

A. No, I don't recall, that is the best I can recall of it, that is what I recall. [75]

Further Cross Examination

Q. (By Mr. Eberle): You told her it would have to wait to go to an election, didn't you?

A. No. I don't recall. She asked about the cards and I told her they were with the Board, they had been filed with the petition for an election, those cards had to go forward with the petition and the petition had been filed.

Q. You said it would have to go to an election, is what you said to her?

A. I told her I didn't have the cards. I don't recall mentioning the election. I told her that the

(Testimony of Clarence Lott.)

cards had gone with the petition for an election, therefore that we couldn't—

Q. Then, these cards that you mentioned this morning were not in your possession ever since they were delivered to you?

A. No. They are filed as evidence. Some of them were filed as evidence with the Board, with the petition for election.

Q. I asked you this morning, you know, whether they were still in the same condition as when you received them.

A. You asked whether they were in the same condition. They are in the same condition, but you never asked me if—

Trial Examiner Bennett (interrupting): You have answered the question.

Q. (By Mr. Eberle): So then you knew on Monday, September 28, that these employees wanted to withdraw?

A. When you say "these employees", there was only one employee [76] that had called.

Q. She didn't say anything about anybody else?

A. She said there was one or two other employees with her that would like to—

Q. She said just one or two, is that right?

A. Yes.

Q. Who, did you find out later, it was?

A. Carrie Monroe.

Q. You received this letter saying that, from Mr. Slayden, saying that the matter had been turned over to the home office at Caldwell?

(Testimony of Clarence Lott.)

A. Yes.

Q. But you continued to talk to him there at his office?

A. I continued? What do you mean, I continued?

Q. Well, you went back and talked—these conversations you were talking about were after that letter, weren't they?

A. Well, the one was on the same day that we received the letter from Mr. Slayden. And the letter was not clear as to whether or not all absolute business would be done by the Caldwell office or not, absolutely all business.

Q. Did you ever contact the Caldwell office?

A. No. I had no occasion to.

Q. The letter that you refer to as not being clear is the one that has been offered here as Exhibit 5, is that correct?

A. Yes, but it doesn't state in that letter—

Q. (Interrupting) Just answer the question. I just asked you if it was. A. Yes.

Q. (By Trial Examiner Bennett): How far is Caldwell from Pocatello, if you know?

A. Approximately 200 miles.

Mr. Eberle: That is all.

Redirect Examination

Q. (By Mr. Bruckner): Do you recall what your purpose was in making the visit to the plant on September 28, speaking to Mr. Slayden?

(Testimony of Clarence Lott.)

Mr. Eberle: We object to his stating what his purpose was. And also it is repetition.

Mr. Bruckner: If the court please, I should like to be able to pursue this line in order to show that there was a direct course of relationship between the events of September 26 and the visit of September 28, in addition to that already testified to.

Trial Examiner Bennett: I will take the answer.

The Witness: Will you read the question, please?

(Last question read.)

A. Yes. [78]

* * * * *

Q. (By Mr. Bruckner): What was the purpose of the visit on September 28?

* * * * *

A. The purpose of that meeting was to make a request on the company to bargain and to investigate whether or not the things that we were being told, that we had been told, by the employees were true or not, that Mr. Slayden was making threats.

Mr. Eberle: We object to that again and move to strike it now on the grounds it is not pertinent, material or within the issues, and improper examination at this time.

Trial Examiner Bennett: I will permit the answer to stand. I am more concerned, however, with what he said, if anything, on the indicated occasion.

* * * * * [79]

MARVIN A. HERZINGER

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Bruckner): State your name and address, please.

A. Marvin A. Herzinger, 3824 Jason Avenue, Pocatello. Idaho.

Q. Where are you employed?

A. Challenge Creamery and Butter Association.

Q. Are you a union steward at that plant?

A. Right.

Q. For which union, sir? A. Teamsters.

Q. Teamsters 983? A. Yes.

Q. Speak up, will you.

A. Well, Teamsters local here.

Q. Did you attend the meeting of employees of Idaho Egg Company, or Idaho Egg Producers, at the Labor Temple on September 22, 1953?

A. Yes.

Q. Do you recall who chaired that meeting?

A. I did.

Q. Did you, on September 21 and September 22, have occasion to visit various employees and secure from them authorization [80] cards containing their signatures? A. I did.

Q. I will show you, Mr. Witness, a document marked GC-7-A for identification and ask you if that bears your signature?

A. That is my signature.

(Testimony of Marvin A. Herzinger.)

Q. And was that signature made by you on that card on or about the date shown thereon?

A. On the date shown there.

Trial Examiner Bennett: You are referring to the——

Mr. Bruckner: To his own signature.

Trial Examiner Bennett: Opposite the term "Witness"?

Mr. Bruckner: Yes, sir, opposite the term "Witness".

Q. (By Mr. Bruckner): Above the term "Witness" there is a line which bears the title "Signed". What is the name on that line?

A. Thora Panter.

Q. Was that signature put on that authorization card in your presence? A. That is right.

Q. And upon the date shown thereon?

A. That is right.

Mr. Eberle: Would you mind asking if he knew her?

Mr. Bruckner: Yes, sir.

Q. (By Mr. Bruckner): How did you know that this was Thora Panter? [81]

A. She was introduced to me.

Q. By whom?

A. Either my wife or Mrs. Jensen.

Q. At this point let me ask you this, your wife is who, sir? A. Erma Herzinger.

Q. She is an employee of the Idaho Egg Producers? A. Yes.

Q. I will show you 7-B for identification——

(Testimony of Marvin A. Herzinger.)

Mr. Bruckner: Strike that.

Q. (By Mr. Bruckner): No. 7-C for identification, I will ask you if that is your signature opposite the title "Witness". A. Yes.

Q. Was that affixed on the date shown thereon?

A. As close as I can remember, all these were signed, completely filled out at the time the signatures were signed.

Q. This bears the signature "Carrie Tofanelli" opposite the word "Signed", is that correct?

A. Correct.

Q. Was that signature affixed to that document in your presence? A. Yes.

Q. How did you know that this was Carrie Tofanelli?

A. She, again, was introduced to me by my wife or Mrs. Jensen.

Q. I will now show you 7-D for identification and ask you if that is your signature. [82]

A. That is my signature.

Q. Affixed on the date shown thereon?

A. That is correct.

Q. There is a purported signature of one William S. Hoffman opposite the word "Signed". Was that signature affixed to that document in your presence? A. Correct.

Q. Were you introduced to this gentleman?

A. I was.

Q. By whom, sir?

A. Either my wife or Mrs. Jensen.

(Testimony of Marvin A. Herzinger.)

Q. (By Trial Examiner Bennett): Did you know any of them personally?

A. Thora Panter, I knew who she was. As far as knowing any of them intimately or anything like that, I didn't, the ones I have gone through so far.

Q. (By Mr. Bruckner): As I understand your previous testimony, all of these cards were filled out completely on the date shown thereon.

A. Correct.

Q. I will show you 7-E for identification and ask you if that is your signature affixed on the date shown? A. Yes.

Q. And that bears the signature of one Elizabeth Pharris. Were you introduced to her? [83]

A. Yes.

Q. By your wife or Mrs. Jensen, I take it?

A. I had known her previously.

Q. Was that signature affixed in your presence on the date shown? A. Correct.

Q. (By Trial Examiner Bennett): Was your wife present at this time, too, and Mrs. Jensen as well?

A. They were present with me during all of the signing of these cards, during the signing of all of them.

Q. (By Mr. Bruckner): I will show you 8-E for identification——

Mr. Bruckner: We will skip 8-E for a bit. That is Erma Herzinger's and she is going to testify.

Q. (By Mr. Bruckner): No. 8-H for identification. I will ask you if that bears your signature.

(Testimony of Marvin A. Herzinger.)

A. Correct.

Q. And there is the signature of one Bernard Godfrey opposite the word "Signed". Do you know Bernard Godfrey? A. I know him.

Q. Did you know him prior to September 21?

A. I knew him prior to that date, correct.

Q. Was that signature affixed to that card on that date, sir? A. Yes.

Q. (By Trial Examiner Bennett): By that, I suppose you mean, you saw him sign it? [84]

A. That is correct.

Q. (By Mr. Bruckner): Directing your attention to 8-I, does that show your signature?

A. Correct.

Q. On the date shown? A. Yes.

Q. Did you know Russell Going?

A. Yes.

Q. Did you know him prior to that date?

A. No.

Q. Were you introduced to him on that date?

A. Yes.

Q. By whom?

A. Either my wife or Mrs' Jensen.

Q. Was that signature affixed to that document by Russell Going and witnessed at that time by you, sir? A. Correct.

Mr. Bruckner: I now offer 7-A, C, D, E, and 8-H and 8-I in evidence.

Mr. Eberle: May I ask a question in aid of a possible objection?

Trial Examiner Bennett: Certainly.

(Testimony of **Marvin A. Herzinger.**)

Q. (By Mr. Eberle): Mr. Herzinger, did you ask any of these people that purported to sign these cards to sign them?

A. Well, I explained to them what the situation was on the [85] cards prior to having them sign them.

Q. And who filled in these dates on here?

A. Those dates were mostly filled in by themselves on the cards that I signed.

Q. (By Trial Examiner Bennett): You say, the dates were filled in by you or by the signer? I didn't get that.

A. Well, some of them may have been filled by, filled in by, the signer, and if they didn't fill it in I filled it in. Now, that I don't completely recall.

Q. (By Mr. Eberle): Well, would you fill in both dates? A. Pardon?

Q. Would you fill in both dates?

A. Well, if they didn't fill it in I filled it in. The main part of it was the signature. At the time they were completed I filled them in.

Q. Well, in other words, on these cards it would either be the handwriting of the person purporting to have signed them or your handwriting?

A. As close as I can remember, all of them were either in my handwriting or the handwriting of the person that signed them.

Q. Would there have been some other third person who would have put some of the writing on there, too?

(Testimony of Marvin A. Herzinger.)

A. My wife may have dated some of them, due to the fact that I gave her the tickets to hold.

Q. You mean after they were signed? [86]

A. She held them after they were signed.

Q. And she might have dated them then?

A. Well, if it was—it was dated at the time, due to the fact that all of the cards were completely filled in at the time.

Q. I asked you whether you and the person who signed them were the only ones who filled them in at that time. Do you mean there were three people who might have filled them in at that time?

Mr. Bruckner: If the court please, I object. I don't think that question is fair, based on the previous testimony.

Trial Examiner Bennett: Well, I am not sure just what the previous testimony was. I think we can go over it once more.

We are only interested in finding out just how much you do know about this. The question at the moment is, did three people write on those forms, or less, if you know?

A. Well, I can't remember. My wife may have put in some of the dates. She may have. She held the cards. I don't remember.

Trial Examiner Bennett: Next question.

Q. (By Mr. Eberle): Where you filled in one date, would your wife fill in another date, the same evening or later?

A. She would fill in the date that was missing.

Q. Then or later?

(Testimony of Marvin A. Herzinger.)

A. Well, then all the cards were completely filled in, all the cards were completely filled in at the time of signing. [87]

Q. In other words, the person signing would fill in one date at the time of signing, you would fill in one date and your wife would fill, filled, in another date?

A. No. If one date was filled in by me, I filled in both dates.

Q. Will you examine these that you have testified to and tell me which dates you have filled in?

A. I will have to take that back. They were all completely filled out by the person signing them.

Mr. Eberle: I move to strike that last part unless you are a handwriting expert. Whether that is your handwriting on there, I move to strike out the balance of the answer.

Mr. Bruckner: May I have that answer read back?

Trial Examiner Bennett: Read the question and answer back.

(Last question read.)

Mr. Eberle: I move to strike that. That is not responsive to any question.

Mr. Bruckner: The answer was completely responsive in terms of——

Mr. Eberle (interrupting): I asked him whether he had filled in, in his handwriting——

Trial Examiner Bennett: In effect, the answer is responsive indirectly. I will permit the answer to stand.

(Testimony of Marvin A. Herzinger.)

Q. (By Mr. Eberle): Are you a handwriting expert? A. No. [88]

* * * * *

Q. (By Mr. Eberle): Are you a handwriting expert? A. No.

Q. You said that you made certain statements when you obtained the signatures to these cards. What did you say to them?

A. I just explained to them the reason for signing these, which was——

Mr. Bruckner (interrupting): There is an objection. This is more than questions that go to the cards or the introduction into evidence of the cards.

Mr. Eberle: I can inquire about that after this, yes. That is all right.

Mr. Bruckner: I don't know if I have completed my examination, but I want to have an opportunity to see if I have.

Mr. Eberle: Of course, it goes to the manner and circumstances under which they were signed and I want to interrogate on it either now or later. I don't want to waive it by permitting them to be introduced.

Trial Examiner Bennett: I think the line might probably be developed, then, before the introduction of the cards.

Mr. Weston: It is stated in our answer that certain coercive methods were used.

Trial Examiner Bennett: I have your answer in mind.

Mr. Bruckner: I will withdraw my objection. I

(Testimony of Marvin A. Herzinger.)

think the [89] objection is a valid one, but I will withdraw it.

Trial Examiner Bennett: You were questioning him about statements he made.

The Witness: Go ahead?

Q. (By Mr. Eberle): Yes.

A. I made statements to these people about what the union could do or could not do for them, what power the union had, also what effects it would have on them by signing these cards.

Q. In other words, you told them, for instance, if they signed, then they could get out of the twenty-five dollar initiation fee, which they had to pay, which they would have to pay, if they didn't sign?

Mr. Bruckner: Objection.

Trial Examiner Bennett: You may answer.

A. Well, the initiation fee, I wasn't——

Trial Examiner Bennett (interrupting): You are just being asked if you said that. Either you did or you did not.

A. I don't recall for certain, but I don't think that I did. I will put it that way.

Q. (By Mr. Eberle): You may have said it, but you don't recall?

A. I don't recall. I doubt if I did.

Q. All right. Did you tell them that they might be fined or lose their jobs if they didn't join?

A. No. [90]

Q. Did you say anything about their being fined?

A. No.

Q. If they didn't sign these cards?

(Testimony of Marvin A. Herzinger.)

A. No.

Q. Did you tell them that by signing, that the matter would then go to an election?

A. I wasn't certain what it would go to. I am not up on all those regulations.

Trial Examiner Bennett: You are just being asked if you told them that, sir.

Q. (By Mr. Eberle): Did you tell them if they signed the matter would then be decided by an election? A. No.

Q. You didn't tell them that. Who else made statements when these were signed, the ones you are testifying to?

A. At the time I was talking, nobody.

Q. You were there all alone?

A. No. The others——

* * * * *

Q. (By Mr. Eberle): But they made no statements or comments, they just stood there while you talked? [91] A. Yes.

Q. Of these six people, you were the only one who made any statement to them?

A. Right.

Q. No one else did at the time?

A. Well, there was talking going on. About, as far as making a direct statement about what would happen, there wasn't.

Q. The two women who were with them did talk to them?

A. They talked about other matters and union matters also.

(Testimony of Marvin A. Herzinger.)

Q. They didn't talk about any union matters?

A. They may have some, but very little.

Q. What statements did they make with reference to the initiation fee?

A. They made no statements to, on that.

Q. With reference to fining? A. None.

Q. With reference to losing their jobs?

A. None.

Q. With reference to the matter of just merely bringing it up to an election? A. None.

Q. Nothing at all? A. No.

Q. Which one did you go to first, of this group?

A. I went to my wife first.

Mr. Bruckner: That is not in that group. [92]

Q. (By Mr. Eberle): The next one?

A. As close as I can remember, it was Bill Hoffman.

Q. All right. Now, he was the first one. And what did you tell him how many had signed up when you went there?

A. We didn't give any information out.

Q. Who was the second one you went to?

A. As close as I can remember, it was Tofanelli.

Q. What did you tell her about how many had signed up? A. Same thing.

Q. No statement at all? A. No statement.

Q. Who was the next one?

A. I couldn't say that. I don't remember.

Q. Well, give us the approximate order. It may not be exact. But as close as you can give it to us.

(Testimony of Marvin A. Herzinger.)

Trial Examiner Bennett: We are interested in how much you do know about the subject matter. If you contribute something, fine. If you don't know, just say so.

A. As close as I can remember, it was Evelyn Pharris.

Q. (By Mr. Eberle): What did you tell her about how many had signed up?

A. Nothing.

Q. That is Elizabeth, isn't it? Or Evelyn?

A. Elizabeth.

Q. And you said nothing about how many had signed up. Then [93] where did you go from there?

A. I believe Thora Panter was the next.

Q. And you made no statement to her about how many had signed up? A. No.

Q. Now, then the next one, Godfrey or Going.

A. Going.

Q. Did you make any statement to him about how many had signed up? A. No.

Q. And the last one, then, would be Godfrey. Did you make any statement to him?

A. No.

Mr. Eberle: That is all.

Mr. Bruckner: May I have a ruling?

Trial Examiner Bennett: Is there any objection to the receipt of the six cards?

Mr. Eberle: No objection as far as having identified them.

Trial Examiner Bennett: Is there any other objection?

Mr. Eberle: We are going to raise a question ultimately, when this case is all over, as to whether they were voluntary, whether the signing of them was a voluntary act of the parties involved.

Trial Examiner Bennett: All right. I will receive the cards at this time, namely 7-A, C, D, E, and S-H and I. * * * * * [94]

ERMA HERZINGER

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Bruckner): Your name and address, please.

A. Erma Herzinger, 3824 Jason Avenue Southeast, Pocatello.

Q. I take it, you are the wife of Marvin Herzinger who just testified? A. Yes, sir.

Q. Have you ever been an employee of the Idaho Egg Producers? A. Yes, sir, I have.

Q. When were you an employee of that company?

A. In July of '52 to October and then I went back in June of this year and worked until a week ago Friday.

Q. When you say "October", you mean July '52 to October '52, [95] is that correct?

A. Yes, sir.

Q. (By Trial Examiner Bennett): And you worked until a week ago Friday?

(Testimony of Erma Herzinger.)

A. Yes, sir.

Q. (By Mr. Bruckner): Do you know the date of employment in July 1952?

A. No, sir, I don't.

Q. Do you know the date of termination in October '52?

A. Yes. It was approximately the 30th, I imagine.

Q. Do you know the date of re-employment in June '53? A. June 1.

Trial Examiner Bennett: A week ago Friday would be approximately January 15, I believe.

Q. (By Trial Examiner Bennett): Does that sound right to you? A. Yes.

Q. (By Mr. Bruckner): And that is when you were terminated? A. Yes, of this year.

Q. What was your job, Mrs. Herzinger?

A. Egg candler.

Q. Where did you work in the plant?

A. I worked in the basement.

Q. How many floors are there?

A. There's two.

Q. How many other girls worked with you in the basement, on [96] the candling floor?

A. Approximately 12.

Q. (By Trial Examiner Bennett): Did men work down there, too? A. One.

Q. Twelve girls and one man?

A. Yes, except when they are processing and then they have maybe two men.

Q. Processing what? A. Eggs.

(Testimony of Erma Herzinger.)

Q. (By Mr. Bruckner): I will show you, Mrs. Herzinger, 7-B, General Counsel's exhibit for identification, and ask you if that is your signature thereon? A. Yes, it is.

Q. And the date shown thereon is September 21, 1953. Is that the date upon which you affixed your signature? A. Yes, sir, it is.

Q. Now, there is a name shown on the line entitled "Signed", "Ida Mae Brooks". Do you know Ida Mae Brooks? A. Yes, I do.

Q. Did you know her prior to September 21 of 1953? A. Yes.

Q. Did you see her affix her signature thereto?

A. Yes.

Q. (By Trial Examiner Bennett): When was that? A. September 21. [97]

Q. (By Mr. Bruckner): I will show you 7-F for identification and ask you if the signature shown on the line entitled "Witness" is yours.

A. Yes, sir.

Q. Now, the date shown thereon is September 22, 1953. Is that the date upon which you affixed your signature? A. Yes.

Q. On the line entitled "Signed" there is a purported signature of Mrs. Evelyn Pharris. Do you know Mrs. Evelyn Pharris?

A. Yes, I do.

Q. Did you know her before September 22, 1953? A. Yes.

Q. Did she affix that signature to that document in your presence? Did you see her do it?

(Testimony of Erma Herzinger.)

A. Yes.

Q. And what was the date of that?

A. September 22.

Q. 1953? A. Yes, sir.

Q. I will show you 7-G for identification. Is that your signature? A. Yes, sir.

Q. The date shown is September 22, 1953. Is that the date upon which you put your signature thereon? A. Yes. [98]

Q. The name shown thereon on the line opposite "Signed" is "Lena Panter". Do you know Lena Panter? A. Yes.

Q. Did you know her before September 22, 1953? A. Yes.

Q. Did you see her affix her signature to that card? A. Yes.

Q. Was it done on September 22, 1953?

A. Yes.

Q. I will show you 8-B for identification and ask you if that is your signature? A. Yes.

Q. The date shown there is 9/22/53 or September 22, 1953. Is that the date upon which you affixed your signature? A. Yes.

Q. The signature shown on the line entitled "Signed" is "Gene Ellsworth". Do you know him?

A. I don't know him personally. I have seen him, but I don't know him.

Q. Have you had occasion to meet him?

A. Yes.

Q. Did you meet him before September 22, 1953?

A. Yes.

(Testimony of Erma Herzinger.)

Q. Where did you meet him?

A. In the plant.

Q. You knew he was an employee of the plant?

A. Yes.

Q. And did you see him affix his signature to that card? A. No, I didn't.

Q. You did not see him affix his signature?

A. No. Mrs. Jensen witnessed it. However, I was there. I mean, I was right across the way and I did see Gene writing, but I didn't see him actually put his name on the paper.

Q. (By Trial Examiner Bennett): You saw him writing on that slip of paper?

A. Yes, but—is it all right to go on?

Q. Go ahead.

A. He went then to Mrs. Jensen because he knew her and she was one of the girls who was also implicated, and she said beings as how I had seen him, for me to witness it.

Trial Examiner Bennett: Next question.

Q. (By Mr. Bruckner): Was that done on September 22, 1953? A. Yes.

Q. I will show you 8-C for identification and ask you if that is your signature? A. Yes.

Q. Was that put on that authorization card on September 22, 1953, which is the date shown?

A. Yes.

Q. Do you know Frances F. Sladek?

A. Yes. [100]

Q. Did you know her before September 22, 1953? A. Yes.

(Testimony of Erma Herzinger.)

Q. Did you see her sign that card?

A. Yes.

Q. What was the date on which you saw her sign it? A. The 22nd of September.

Q. '53? A. Yes.

Q. Showing you 8-D for identification, does that bear your signature? A. Yes.

Q. Did you sign that on September 22, 1953?

A. Yes.

Q. It is a signature purporting to be that of Velma Armstrong on the line entitled "Signed". Do you know Velma Armstrong? A. Yes.

Q. Did you know her before September 22, 1953? A. Yes.

Q. Did you see her sign that card?

A. Yes.

Q. On what date did you see her sign it?

A. September 22, 1953.

Q. I will show you 8-E for identification. Now, on this card your signature, or the signature purporting to be yours, appears on the line entitled "Signed". Is that your signature? [101]

A. Yes.

Q. In other words, that is the authorization card that you personally signed? A. Yes.

Q. What date did you sign it on?

A. September 21, 1953.

Q. 8-F for identification, does that bear your signature? A. Yes.

Q. On what date did you sign it?

A. The 22nd of September, 1953.

(Testimony of Erma Herzinger.)

Q. That purports to bear the signature of one Janet Stoddard. Do you know Janet Stoddard?

A. Yes.

Q. Did you know her before September 22, 1953? A. Yes.

Q. Did you see her sign that? A. Yes.

Q. 8-G, is that your signature? A. Yes.

Q. The date that you signed that is what?

A. September 21, 1953.

Q. And the signature purporting to be that of Ruthe Jensen appears thereon. Do you know Ruthe Jensen? A. Yes.

Q. Did you know her before September 21, 1953? [102] A. Yes.

Q. Did you see her sign it? A. Yes.

Q. On what date did you see her sign it?

A. September 21, 1953.

Q. All of these cards that I have shown you and asked you to testify about, that I mentioned, were signed by certain people. Were all of these employees of the company at that time?

A. Yes.

Q. You were in the courtroom when——

Mr. Bruckner: Strike that.

At this time I will offer in evidence General Counsel's Exhibits Nos. for identification 7-B, F, G and 8-A, B, C, D, E, F and G.

Mr. Eberle: May I inquire?

Mr. Bruckner: Yes, sir.

Q. (By Mr. Eberle): Can you tell us, Mrs. Herzinger, which one you had sign first, of this list?

(Testimony of Erma Herzinger.)

A. Which person I had sign?

Q. Yes. A. Mrs. Jensen.

Q. That is No. 1? A. Yes.

Q. And then No. 2.

A. I was the second. [103]

Q. You were the second. All right. No. 3?

A. I believe Mrs. Christenson.

Q. All right. No. 4? A. Bill Hoffman.

Q. Who? A. Bill Hoffman.

Q. Hoffman? A. Yes.

Mr. Eberle: I thought you had—well, all right.

The Witness: Well——

Mr. Bruckner: Let her explain it.

The Witness: However, Mrs. Jensen and I and Donna were together when we signed ours and that was before we had contacted anyone else.

Q. (By Mr. Eberle): All right. And you had Hoffman next. And then who did you go to?

A. I don't remember. It was Carrie Monroe, I believe.

Q. Who? A. Carrie Monroe.

Q. You haven't got her on this list. I am talking about these.

Q. (By Trial Examiner Bennett): We are talking about the cards that you just identified.

A. Thora Panter.

Q. (By Mr. Eberle): Thora Panter?

A. Yes, as far as I can remember. [104]

Q. (By Trial Examiner Bennett): You said you had Bill Hoffman sign? A. Yes.

(Testimony of Erma Herzinger.)

Q. Isn't that your husband's signature (indicating)? A. Yes.

Q. The questions are directed only to the ones that you signed.

A. To the ones I signed, all right.

Trial Examiner Bennett: I think that is right.

Mr. Eberle: Yes.

The Witness: You have Thora Panter?

Q. (By Mr. Eberle): Yes.

A. I believe Ida Brooks was the next, but I am not sure.

Q. All right.

A. And then Evelyn Pharris.

And then Velma Armstrong.

And then Frances Sladek.

And Janet Stoddard.

Q. Were there any of these who wouldn't sign the first time you talked to them?

A. Well, there was Frances, who was debatable. She said she would sign if everyone else would.

Q. Frances who? A. Sladek.

Q. If everyone else would. Who else?

A. Well, they all felt the same way. [105]

Q. (By Trial Examiner Bennett): What way?

A. That if everyone else would sign, they was willing to sign.

Q. (By Mr. Eberle): Did you fill the dates in on these cards?

A. I may have on one or two, but I don't remember for sure.

Q. Now, your husband said it wasn't his hand-

(Testimony of Erma Herzinger.)

writing. Will you see if your handwriting is on any of those dates?

A. I can't tell. I can't tell whether the dates——

Q. You can see it is different headwriting, can't you?

A. I believe I filled out Velma Armstrong's date.

Q. Which one did you fill out?

A. The top one.

Q. The top one? A. Yes.

Q. Who filled in the bottom one?

A. (No response.)

Q. The bottom one is not your handwriting?

A. No, it isn't.

Q. (By Mr. Bruckner): Which card is that?

A. Velma Armstrong's.

Q. (By Mr. Eberle): All right. What other ones?

Trial Examiner Bennett: That would be 8-D.

A. So far all by myself. That is all, sir.

Mr. Eberle: That is all. Thanks.

Trial Examiner Bennett: You are offering the ones she identified? [106]

Mr. Bruckner: That is right.

Mr. Eberle: No objection to the competency.

Trial Examiner Bennett: No objection to what?

Mr. Eberle: To the competency.

Trial Examiner Bennett: I will receive 7-B, 7-F, 7-G, 8-A, 8-B, 8-C, 8-D, 8-E, 8-F and 8-G. I believe that completes all the cards.

Mr. Bruckner: It had better or else something is wrong.

(Testimony of Erma Herzinger.)

(The documents heretofore marked General Counsel's Exhibit Nos. 7-B, 7-F, 7-G, 8-A, 8-B, 8-C, 8-D, 8-E, 8-F and 8-G for identification were received in evidence.)

Q. (By Mr. Eberle): Did you tell any of these people, Mrs. Herzinger, they might lose their jobs if they didn't sign? A. No, I didn't.

Q. (By Mr. Bruckner): Do you know Nina Cordell? A. Yes.

Q. Who is she?

A. She was an egg candler.

Q. Was she working there on September 21 and September 22, at the company?

A. Yes, I believe she was.

Q. Do you know where she worked in relationship to where you worked?

A. She worked at Pay-less Drug.

Q. No. She worked as an egg candler in the basement, did she? [107] A. Yes.

Q. Was she near you, in your work?

A. Yes.

Q. How close to you?

A. She was right next to me.

Q. In other words, her station was right next to yours? A. Yes.

Q. Did you see her sign a card similar to the authorization cards which you have just identified?

A. Yes, sir.

* * * * *

Trial Examiner Bennett: Is the card available?

Mr. Bruckner: No, sir.

(Testimony of Erma Herzinger.)

Trial Examiner Bennett: This is one of the missing cards?

Mr. Bruckner: Yes, sir.

Mr. Eberle: Where is she?

Mr. Bruckner: I don't know where she is.

Trial Examiner Bennett: Is this somebody still in the company's employ?

Mr. Bruckner: I don't know, sir. I don't know if she is or not.

Mr. Weston: Yes.

Mr. Eberle: She is still there.

Q. (By Mr. Eberle): She is where, do you know? [108]

A. No. I don't know how you can get in contact with her. She isn't working at the present time.

Trial Examiner Bennett: I believe you stated before that there are several cards which have been lost by the union?

Mr. Bruckner: Yes, sir.

Trial Examiner Bennett: And this is one of them?

Mr. Bruckner: Yes, sir.

Trial Examiner Bennett: I am disposed to take the testimony under the circumstances. If Respondent wishes to rebut it, I will take that testimony, too.

Mr. Bruckner: I don't know if there was an answer to the question I asked, but I will repeat my——

Mr. Eberle: Well, repeat the question, have the question read to her.

(Testimony of Erma Herzinger.)

Mr. Bruckner: It doesn't make any difference.

Q. (By Mr. Bruckner): Did you see Nina Cordell sign an authorization card similar to the ones you just identified? A. Yes, sir, I did.

* * * * *

Q. (By Trial Examiner Bennett): When did you see this happen?

A. It was about the 22nd of September, 1953.

Q. What were the circumstances?

A. She was in her booth, next to me, and I watched her sign it.

Q. Did someone ask her to sign? [109]

A. No. I gave her the slip.

Q. You gave her the card?

A. And I told her she could sign if she wanted to.

Q. What happened then?

A. She signed it.

Q. What happened then?

A. She gave it to me.

Q. What did you do with the card?

A. I gave it to my husband.

Trial Examiner Bennett: That is all I have.

One other question.

Q. (By Trial Examiner Bennett): Was this slip identical to the ones you just testified about?

A. Yes.

Mr. Weston: Is it understood that our objection goes to your questions, too?

Trial Examiner Bennett: I will give you an objection to the entire line.

Q. (By Mr. Bruckner): Your testimony is that

(Testimony of Erma Herzinger.)

you think it was about September 22 when you secured the signature? A. Yes, approximately.

Q. Did you turn that card in, together with the other cards, to your husband at the same time?

A. I don't remember if they were with that list or not. We put them, took them down twice, and I don't remember which group [110] they were in.

Q. Do you know if it was before or after that union meeting?

A. It was after, I believe.

Q. Do you know Carrie Monroe?

A. Yes, I do.

Q. Who is she?

A. She is an egg candler.

Q. Was she working at the plant on the week of September 20? A. Yes.

Q. Did you see her sign a card?

A. No, I didn't see her. Mrs. Jensen did.

Trial Examiner Bennett: I would have like to have had a little more testimony concerning the circumstances under which the cards were lost.

Mr. Bruckner: I made an offer of proof. I will be glad to call Mr. Lott.

I think possibly this ought to be on the record. I am interested in making a complete record. As I recall—and this is, of course, subject to correction—the record shows that the cards were given to Mr. Lott and he made a search for them and he was unable to find certain cards, and I think in relation to that one name was mentioned, Carrie Monroe, but Nina Cordell's was not named. Now, what I

(Testimony of Erma Herzinger.)

can do is recall Mr. Lott for that specific purpose. I will be very happy to. As a matter of fact, I will allow the Trial Examiner to do the interrogation.

* * * * * [111]

Q. (By Mr. Bruckner): Who is your supervisor?
A. Azella Taylor. [112]

* * * * *

Q. (By Mr. Bruckner): Were you at the meeting of the employees at the Labor Temple on September 22, 1953?
A. Yes, sir, I was.

Q. I will ask you if after that meeting, while you were at work, you had a conversation with Mr. Slayden or overheard Mr. Slayden, the branch manager, say anything about the union.

A. Would you please repeat that question?

Q. All right. I will direct your attention to Saturday, September 26, 1953. Were you at work on that day?
A. Yes.

Q. Did you hear Mr. Slayden on that day say anything about the union?

A. On Saturday, September 26?

Q. Yes.
A. Yes. He came down.

Q. Where did he come down?

A. Downstairs.

Q. In the basement, where you were working?

A. Yes. [113]

Q. About what time of the day was this, please?

A. I would say about 10 o'clock.

Q. Do you know which girls were working in the basement about that time?
A. Yes.

Q. Can you name them?

(Testimony of Erma Herzinger.)

A. There was Carrie Monroe, Carrie Tofanelli and Frances Sladek, Ruthe Jensen and Elizabeth Pharris and Evelyn Pharris, myself and Nina Cordell, Ida Brooks and Thora Panter and Zina Jensen, and I don't recall if Janet Stoddard was there or not. I believe she was.

Q. Take your time in answering to this next question and just tell me as best as you can recall what he said at the time and what he did and what any of the girls said, if anything.

A. When he came down he said he didn't know why we had gone and tried to get the union in, that if we would have come to him he would have tried to do what he could for us, but he said that if the union did—I will retract that—if they did bring the union in, that he could bring a machine in and they could cut down on the work. And he said that if we would have come to him maybe he could have worked it out so that we could have our Saturdays off if that is what we wanted. And also he said that all the union would do is cost us dues.

Q. Do you recall anything else that he said during the course of this? [114]

A. He just told us to get in our booths and do our work.

Q. Do you recall whether anything was said about knowing who signed up with the union?

A. Yes. He said he knew who started it and who signed.

Q. Did he say who started it or who signed?

A. No.

(Testimony of Erma Herzinger.)

Q. Was anything said about giving Saturdays off?

A. He said he would try to get us Saturdays off.

Q. Up until that time had you had Saturdays off?

A. No. However, I didn't go back until June. They may have had them off before that. I don't know.

Q. (By Trial Examiner Bennett): You mean before June of 1953? A. Yes.

Q. (By Mr. Bruckner): What kind of a work week were you on at that time? What were your hours?

A. From eight until four at that time.

Q. (By Trial Examiner Bennett): Was Saturday a regular day?

A. Saturday we worked from, what was it, 7 until 12.

Q. (By Mr. Bruckner): Do you recall if anything was said during that conversation about withdrawing from the union?

A. Yes. He also said if we wanted to go down and withdraw our names from the union he would furnish the transportation to go down and let us off of work.

Q. Do you recall anything else he may have said during the course of that conversation?

A. No, I don't right offhand. [115]

Q. Have you, before that date, before Saturday, September 26, 1953, ever had occasion to ask Mr. Slayden or any other company representative for

(Testimony of Erma Herzinger.)

Saturdays off? A. No, I hadn't myself.

Q. After Mr. Slayden——

Mr. Bruckner: Strike that.

Q. (By Mr. Bruckner): Did any of the employees, if you know go down to the union to withdraw their cards?

A. Yes. There was two or three that got off earlier and so they went down and they called to say that Mr. Lott wasn't in his office, that it wouldn't do any good to come down.

Q. (By Trial Examiner Bennett): When did these two or three go down?

A. That was Saturday, the 26th.

Q. What time did they go, if you know?

A. Well, I would say it was approximately 10:30.

Q. (By Mr. Bruckner): Do you recall whether anything was said about finishing their eggs and leaving as soon as they had——

A. Yes.

Q. What was said?

A. He told us to finish what eggs we had and then we could go home.

Q. And do you know if any of the other employees, other than those employees who had gone down to the union and who had called, saying that the union wasn't open, had intended to go down?

A. Yes.

Q. Who were they?

A. Ruthe Jensen and—well, it was the rest of us, I guess.

Q. Had you intended to withdraw, too?

(Testimony of Erma Herzinger.)

A. Yes; if everyone else did there was nothing much I could do.

Q. (By Trial Examiner Bennett): How late did you work that Saturday?

A. It was about 10:30 when we got off.

Q. You said that two or three left at 10:30 and then telephoned back? A. Yes.

Q. Back to the plant?

A. Yes, and told Mrs. Jensen.

Q. Were you there?

A. Yes, I was there at the time.

Q. If you left at 10:30 and they left at 10:30——

A. (Interrupting) Well, they got off, when they got through they left to go down and some of us other girls didn't get through right at that time.

Q. They got through with their work?

A. Yes.

Q. Ahead of you people? A. Yes.

Q. And left immediately? A. Yes. [117]

Q. (By Mr. Bruckner): Do you know if any of the employees asked questions or said anything to Mr. Slayden after or during his talk?

A. The only thing I asked him is "What good would it do to withdraw our names."

Q. And what did he say?

A. And he says, "I don't know."

Q. Do you remember if anybody else said anything? A. No.

Q. After this September 26 talk did you continue to work Saturdays?

(Testimony of Erma Herzinger.)

A. No. We had, they worked one Saturday, but that was optional. We didn't have to work.

Q. Then, the hours were changed after that?

A. Yes. We started working eight hours a day and had our Saturdays off.

Q. (By Trial Examiner Bennett): Were your hours still 8 to 4?

A. They were from 8 to 4:30, and we had a half-hour to eat. We went back to work at 12:30.

Q. (By Mr. Bruckner): Were you present when Mr. Doss and Mr. Lott visited the plant on October 5?

A. No, I wasn't.

Mr. Bruckner: Nothing further.

Cross Examination

Q. (By Mr. Eberle): Mrs. Herzinger, when did you first learn [118] that the men wanted to withdraw from the union?

A. The men? Well, there wasn't any men except Mr. Godfrey. He said that if the rest of us went down he would withdraw his. But I never contacted the rest of the men. They never said anything.

Q. (By Trial Examiner Bennett): When did you learn this from Godfrey?

A. Well, it was on Saturday, September 26.

Q. Before Mr. Slayden spoke?

A. After Mr. Slayden spoke.

Q. (By Mr. Eberle): You didn't know that they had decided to withdraw before that?

* * * * *

A. No, I didn't know.

(Testimony of Erma Herzinger.)

Q. (By Mr. Eberle): Did you know why they decided to withdraw prior to that time?

A. Well——

Mr. Bruckner: Mr. Examiner——

Trial Examiner Bennett: I think counsel is entitled to interpose an objection before the witness answers. I think you will concede that.

Mr. Bruckner: Same ground.

Trial Examiner Bennett: I will sustain the objection to this question.

Q. (By Mr. Eberle): Then why did they decide to withdraw? The men I am speaking about.

A. I don't know why they decided.

Q. You knew, though, that they had?

A. The one.

Q. Just Mr. Godfrey? A. Yes.

Q. You knew nothing about the rest of them?

A. No, I didn't know how the rest of them felt.

Q. Now, Mrs. Herzinger, your husband said that when you were with him in organizing these employees you said nothing about the union. Now, when you were there without him what did you say about the union to these people? [120]

A. I never said anything to the girls.

Q. You just asked them, you handed them the slip and said, "Will you sign?"

A. No. All I told them was that we were trying to organize and get the union in, and I never threatened them or anything.

Q. I didn't ask you whether you threatened anyone. I asked you what you said.

(Testimony of Erma Herzinger.)

A. Well, that is all I told them, was they——

Q. That you weren't threatening? A. No.

Mr. Bruckner: Objection.

Trial Examiner Bennett: Sustained.

Q. (By Mr. Eberle): What did you say?

Trial Examiner Bennett: Just what you said.

A. I said that, I told them that they could join the union if they wanted to and I told them that if they didn't sign these, all these slips were for was to authorize them to join the union, start the union deal working, and I didn't—that is all.

Q. (By Mr. Eberle): You didn't say it had to come to a vote, then? A. No.

Q. That is all you said to them? A. Yes.

Q. You didn't say anything about initiation fees?

A. Well, I said if it started we wouldn't have to pay initiation [121] fees now.

Q. But if they didn't sign now they might have to pay it later? A. No.

Q. You didn't say that? A. No.

Q. Did you tell them how many had already signed when you—— A. No.

Q. You didn't say a word about that.

The only time that you ever talked to Mr. Slayden or heard him talk was at the one meeting that you mentioned there on the 26th?

A. He came down one other time but I don't remember what he said.

Q. (By Trial Examiner Bennett): Before or after? A. After.

Q. (By Mr. Eberle): That morning, you say,

(Testimony of Erma Herzinger.)

it was about 10:30? A. Approximately.

Q. Isn't it a fact, it was about 11:30?

A. No.

Q. You don't think it was 11:30 when those girls left the plant?

A. No, I don't believe so.

Q. How late did some of them leave the plant that morning?

A. Well, we were the last ones there. We were waiting for Mrs. Jensen. She was helping to finish up the work.

Q. When was that? [122]

A. That was on a Saturday.

Q. When?

A. That was on Saturday. It was about, well, I don't know just about what time it was. About 10:30 approximately.

Q. You left the plant at 10:30 that morning?

A. Approximately, yes.

Q. (By Trial Examiner Bennett): Do I understand your previous answer that you are not certain about the time?

A. I am not sure. I didn't look at the time.

Q. (By Mr. Eberle): You always had to finish your work before you left?

A. Yes. We had to finish what we had.

Q. (By Trial Examiner Bennett): What was your answer? A. Yes.

Q. (By Mr. Eberle): Egg candling is a seasonal employment, isn't it? A. Yes.

Q. Do you know that whenever in prior years

(Testimony of Erma Herzinger.)

the volume slid off, then they wouldn't work on Saturdays? A. I don't know about that.

Q. You don't know about that?

A. No. When I worked there we worked on Saturdays.

Q. When you didn't work on Saturday, did that give you any shorter hours for the week?

A. No. We started working eight hours a day, we worked from [123] 8 until 4:30 and we had a half-hour lunch.

Q. In other words, you had the same hours?

A. Yes.

Q. In other words, there were no shorter hours, but just—— A. No.

Q. And if there was work to do was it optional for someone to work on Saturdays, if there was eggs to candle?

A. Well, I don't believe anyone did work.

Q. And you didn't get any more overtime?

A. Not too much.

Q. What do you mean? I mean, if you worked the same number of hours, there would be no overtime, would there?

A. Well, no, but sometimes we worked of an evening if we had to.

Q. Well, that was simply when there were more eggs to candle? A. Yes, sir.

Q. That was a common practice? A. Yes.

Q. (By Trial Examiner Bennett): Are you paid by the hour—were you paid by the hour?

A. Yes.

(Testimony of Erma Herzinger.)

Q. When you went on a five-day basis did your weekly pay check change? Did it decrease? Did it increase?

A. No, I don't believe so. I got a raise, however, and that did bring my check up. [124]

Q. You got a raise, just for you or for everybody else, too?

A. Well, it is according to how many eggs you do. We had an average to make.

Q. You made an average and got a raise?

A. Yes.

Q. (By Mr. Eberle): In other words, you get a flat rate and then a certain amount for the number of eggs you do?

A. Yes. We get, they start us out at seventy-six and then we have to do so many eggs after that to get our raises.

Q. Get what? A. To get our raise.

Q. Well, you mean, you don't get the additional amount unless you do a certain number of eggs?

A. No.

Q. That is the standard of pay? A. Yes.

Q. When you were organizing the employees you didn't go to Mr. Slayden at all, did you, and talk to him? A. No.

Q. When did the girls start talking about withdrawing from the union?

A. It was the day Cecil came down and talked to us.

Trial Examiner Bennett: Who is Cecil?

The Witness: Mr. Slayden.

(Testimony of Erma Herzinger.)

Q. (By Mr. Eberle): They hadn't been talking about it before [125] that?

A. Not withdrawing, no.

Q. You don't know whether they were talking about it amongst themselves?

A. Well, they didn't say anything about it to me.

Q. When he came down that morning, when he got all through, didn't he tell you it was entirely up to you what you wanted to do, if you wanted to join or not join the union? A. Yes.

Q. And he told you you were free to do whatever you wanted to do? A. Yes.

Q. Mrs. Herzinger, one or two more questions. After the girls discussed it, they all wanted to withdraw?

A. Well, they didn't really want to, but they were afraid.

Q. (By Trial Examiner Bennett): Is this what they said? A. Yes.

Q. (By Mr. Eberle): Who told you that?

A. They all said that they were afraid.

Q. Who told you they were afraid?

A. Well, there was Carrie Tofanelli.

Q. And who else?

A. And, well, Nina, and Frances—did I say Frances?

Q. Nina Cordell?

A. Frances Sladek. That is about all. [126]

Q. And they were afraid to stay in the union, those three told you that?

(Testimony of Erma Herzinger.)

A. Yes. They said they was. They knew it wouldn't go through.

Q. They knew it wouldn't go through?

A. Yes. They said they just might as well withdraw, the way everything went.

Q. Oh, I see. They might as well withdraw because it wasn't going to go through anyway?

A. Yes. They were afraid.

Q. Afraid of what?

A. Afraid of Cecil.

Q. Afraid of what?

A. Afraid of Mr. Cecil.

Q. (By Trial Examiner Bennett): We are only interested in what they said. Do you understand that? A. Yes.

Q. You understood that they were afraid of Cecil?

A. Yes. They said that they were afraid, it would mean their jobs if he found out who had signed, and he knew who had signed.

Q. (By Mr. Eberle): Wait a minute. I thought you said that he knew all about it.

A. He did know all about it.

Q. He had known it for sometime, hadn't he?

A. Yes.

Q. But all of a sudden on Saturday, then, they decided they [127] were afraid?

A. He came down and talked to us, yes.

Q. Hadn't he talked to some of you before that?

A. That I don't know. He hadn't talked to me.

(Testimony of Erma Herzinger.)

Redirect Examination

Q. (By Mr. Bruckner): Did you get paid for that time off you took on September 26, Saturday, even though you left early? A. Yes.

Q. Do you know if the other girls got paid for it? A. Everybody got paid.

Q. During Mr. Slayden's talk on September 26, Saturday, was anything said about knowing who was a member or who had signed an authorization card?

A. He said he knew who started it.

* * * * *

Recross Examination

Q. (By Mr. Eberle): On prior Saturdays when you were working there, when you completed your work before Saturday noon did you go home early?

A. We left about 10 to 12, I imagine, yes.

Q. On prior Saturdays, if you would finish earlier than 12 o'clock, would you leave when you finished work?

A. Well, we very seldom finished. [128]

Q. But you would no occasion finish earlier than 12 o'clock? A. I don't remember.

Q. (By Trial Examiner Bennett): You don't remember finishing early or what?

A. I don't remember finishing early.

Q. You always finished exactly at 12 o'clock?

* * * * *

A. We would get through by about 11:30 and

(Testimony of Erma Herzinger.)

by the time we would get finished with the rest of it, it would be—oh——

Q. (By Mr. Eberle): Would he dock you then, between then and 12? A. No.

Q. He would pay you? A. Yes.

Further Redirect Examination

Q. (By Mr. Bruckner): When you finished your work at 11:30 what did you utilize your time for between 11:30 and 12?

A. Well, a lot of us didn't get through when the other girls did and we would finish up and the other girls would go in and sit down. By the time we would get the eggs out and our place covered up and our booths swept out, mostly, for me, it would be time for me to go home.

Q. (By Trial Examiner Bennett: Did you ever leave before [129] 12 on those occasions?

A. About 10 to.

Q. (By Mr. Bruckner): Did you ever leave earlier than 10 to 12, if you can recall?

A. Not that I can recall, except that one Saturday.

* * * * *

Further Recross Examination

Q. (By Mr. Eberle): Some of the other girls, then, would leave before you would on these various Saturdays?

A. On this particular Saturday they did.

Q. I thought you said on some Saturdays some

(Testimony of Erma Herzinger.)

of the girls would leave and you would have to stay and finish up.

A. No. That was a misunderstanding.

Q. I see.

A. No. They would get through because they were just faster than some of us.

Q. And they would leave?

A. No. They would go in and sit in the lunch-room until the [130] rest of the girls got through.

Q. But they weren't working? A. No.

Q. They weren't docked, either? A. No.

Q. (By Trial Examiner Bennett): They did not leave the plant? A. No. [131]

* * * * *

DONNA CHRISTENSON

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Bruckner): Your name, and address, please.

A. Donna Christenson, in care of Mountain States Tel & Tel, Construction Department, Salt Lake City, Utah.

Q. You are here under subpoena served by myself upon you, calling for your presence here today, is that correct? A. Yes.

Q. Have you ever been an employee of Idaho Egg Producers?

(Testimony of Donna Christenson.)

A. Yes. I worked there from July 9, 1952, to September 26, 1953.

Q. What was your job?

A. Or '53 to '54, that was. July 9, 1953——

Trial Examiner Bennett: This is January 1954.

The Witness: I was right the first time. Excuse me.

Trial Examiner Bennett: You originally said July 9, 1952, [132] to September 26, 1953, which would be last September?

The Witness: Yes. I would be right the first time, then.

Trial Examiner Bennett: Next question.

Q. (By Mr. Bruckner): You attended this meeting of the employees at the Labor Temple on September 22, 1953, did you? A. Yes.

Q. I will ask you if after that date, Mrs. Christenson, while you were working at the plant, did you have any conversations with Mr. Slayden, the plant manager, the branch manager, the subject matter of which was the union?

A. Yes. He came in and talked to me.

Q. When? A. On Thursday afternoon.

Q. That would be September 24?

A. Yes.

Q. Where were you working at the time?

A. I was working in the egg cartoning room. That was my department down there.

Q. That was in the basement? A. Yes.

Q. (By Trial Examiner Bennett): Where did you say that was?

(Testimony of Donna Christenson.)

A. I was the egg cartoner.

Q. What time of the day was this?

A. It was in the afternoon sometime. I am not sure of the exact time. [133]

Q. Was anyone else present? A. No.

Q. (By Mr. Bruckner): Will you state what he said to you and what you said to him at that time, as best you can recall?

A. Well, he came in, I was working that afternoon, and he said that, or he asked me what I knew about the union and I said that I didn't know any more than what the rest of them did, I hadn't heard anything more than just plain gossip, what everybody else know. And he started to tell me what the union, what disadvantages it would have, I mean, he told me that if the union went in that we wouldn't be getting off at 10 minutes to 12, in the afternoon at 5 to 4, like we had been doing, and that we also wouldn't be getting a Christmas bonus. And I listened to what he said and I told him that the only thing I had known about the union was that my husband was in the union and what it did, what it had done, for him. And that was all I can remember saying on that.

Q. (By Mr. Bruckner): Is that all you can recall him saying at that time?

A. No. It seems that he had told me that he knew who had started the union and he had heard from two various or different sources that I was one of the people that had started it.

Q. Did you reply to that?

(Testimony of Donna Christenson.)

A. Well, I told him that I wasn't going to say anything to jeopardize my job there and he could just draw his own conclusions as to what these other people had said.

Q. Do you recall whether anything else was said at that time?

A. I can't, I don't believe there was.

Q. Can you recall whether anything was said about somebody overseeing, to see that all the work was done?

A. Well, I had heard that in the morning.

Q. Just let's have what Mr. Slayden said.

A. No, I can't seem to remember him saying that.

Q. What is this Christmas bonus? Had you been receiving a Christmas bonus?

A. What they do, they give you two dollars for each month that you were there at the end of the year, just before Christmas.

Q. And that is the Christmas bonus?

A. Yes.

Q. (By Trial Examiner Bennett): Had you received one in December 1952? A. Yes.

Q. (By Mr. Bruckner): And that was the only conversation you had with him on that date, September 24?

A. I will direct your attention to September 25—that would be Friday—and ask you if you can recall Mr. Slayden and you conversing with respect to the union on that date.

A. Well, he came in that day, I am not sure of

(Testimony of Donna Christenson.)

the time, I believe it was in the morning—— [135]

Q. Where did he come in, to your place of work?

A. Yes, into the cartoning room where I was working.

Q. Was anybody else there?

A. No. I was alone.

Q. What did he say?

A. And he asked me if I had heard the rumor that was going around that if the union didn't go in the employees would be fired, and I told him that I hadn't heard that rumor, and he says, well, that he had talked to his lawyer the day before and his lawyer told him that, or he had talked to his lawyer and his lawyer was the best lawyer that he could get, and then he went on to say, he got quite mad then and he said that, oh, the whole thing was just a bunch of Communism, and turned around and walked out. And that was all that I can recall him saying on that day.

Q. (By Trial Examiner Bennett): Did he identify his lawyer by name? A. No, he didn't.

* * * * *

Q. (By Trial Examiner Bennett): What, again, was it that he [136] asked you with respect to this rumor?

A. He said that he had heard a rumor that if the union didn't go through, or go in, that the people who had been involved in it would be fired. And I told him that I had heard nothing in connection with a rumor like that.

Q. (By Mr. Bruckner): I will direct your at-

(Testimony of Donna Christenson.)

tention to Saturday, September 26, and ask you if you were present in the egg candling room when Mr. Slayden spoke to some of the employees.

A. No, I wasn't.

Q. Did Mr. Slayden speak to you concerning that meeting at all?

A. Yes. I believe it was just after he had talked to them, he came out in the cartoning room where I was working and he said that he had just talked to the girls and it was a shame I had missed what he had told them, and he turned around and left.

Q. Your job terminated or was terminated on that day, is that correct?

A. Yes, on the 26th. [137]

* * * * *

Q. (By Mr. Bruckner): Do you know Mr. Talbot? A. Yes.

Q. Did you have a talk with Mr. Talbot on or about September 26—that would be that Saturday—the subject matter of which was Slayden and Hoffman? Do you recall that?

A. Well, I wouldn't swear that it was that very day, but Mr. Talbot had——

Q. (Interrupting) Hold on just a moment. Would you say that, if it wasn't that very day, that it was after or before that day?

A. It was before that day.

Mr. Eberle: Before what day?

Mr. Bruckner: Before Saturday, September 26.

Q. (By Trial Examiner Bennett): Do I understand your answer to be that it may have been that

(Testimony of Donna Christenson.)

day or that it may have been before or that it was before? Just your best recollection.

A. I would say it was before the 26th.

Q. Who is Mr. Talbot?

A. As far as I know, he was foreman.

* * * * *

Q. (By Mr. Bruckner): I would like you to fix this time just as closely as you can, and the date that you believe to be most accurate with respect to this conversation.

A. I would say it was the 24th, the first morning that I heard anything about the union from Mr. Slayden or from the [140] rest of them.

Q. Would you say, in any case, it would not be before the 24th? A. No.

Q. And, in any case, it would not be after the 26th? A. No—I wasn't there.

Q. You weren't there after the 26th?

A. No.

Q. So it was either on the 24th, 25th or 26th, and your best recollection is that it was on the 24th?

A. Yes.

Q. Was anybody present during the course of this conversation between you and Mr. Talbot?

A. No. It was quite early, in the morning just after I started.

Q. Will you state to the best of your recollection what he said to you and you said to him at the time?

A. Well, he came in and said, or asked me what I knew about the union. He said that they had re-

(Testimony of Donna Christenson.)

ceived a letter, or they had a phone call, from the union, stating that they were going to come in and also that someone had gone to Mr. Slayden and told him that the union was trying to get in and all the names of the people that had tried to get the union in.

Q. Did he mention who the someone was?

A. Yes.

Q. Who did he say it was?

A. He said it was Mr. Hoffman. [141]

Q. Who is Mr. Hoffman?

A. Mr. Bill Hoffman. He works upstairs.

Q. He works at the plant? A. Yes.

Q. He was working at the plant, at least, on that occasion, was he not? A. Yes.

Q. What else——

Q. (By Trial Examiner Bennett—interrupting): He said that Mr. Hoffman had gone to Mr. Slayden with the names? A. Yes.

Q. (By Mr. Bruckner): Do you recall anything else that was said in that conversation? Did you say anything and what else did he say?

A. He said if the union did come in it was going to be a lot harder for everyone because, he said, there wasn't going to be any shirking at all, that there would be someone to make sure that the work was done and that we weren't loafing. That is about all I can remember of that.

Q. Did you say anything to him?

A. Not that I can recall.

Mr. Bruckner: Nothing further.

(Testimony of Donna Christenson.)

Cross Examination

Q. (By Mr. Eberle): You now live in Salt Lake, Mrs. Christenson? [142]

A. My husband works out of Salt Lake, but at the present time we are moving around constantly. Right at the present time we are in Price, Utah.

Q. When did you leave Idaho to go to Utah?

A. I believe it was in November. I am not sure of any exact date.

Q. When was your husband transferred to Utah?
Mr. Bruckner: Objection.

Trial Examiner Bennett: She may answer.

A. I am not sure of the date on that. I went with him when he went. It was in November. We went together, but I don't remember the date.

Q. (By Mr. Eberle): And you have been there ever since? A. Yes.

Mr. Eberle: That is all. Or I would like to ask one question more.

Q. (By Mr. Eberle): Were you part of the group that did the original organizing?

A. Well, I signed. I mean, I wasn't the one who was right at the head of it, but I signed one of those and I went along with the rest of them because the rest of them wanted me to.

Q. I see. You went along with the others in organizing these employees? A. Yes.

Trial Examiner Bennett: Off the record. [143]

(Discussion off the record.)

Trial Examiner Bennett: On the record.

(Testimony of Donna Christenson.)

Q. (By Mr. Eberle): With whom did you go to see these organizers?

A. Well, let's see. There was Mrs. Jensen, Mrs. Panter and Mr. Hoffman and Mrs. Monroe and Mr. Godfredson.

Q. (By Trial Examiner Bennett): Do you mean Godfrey?

A. Well, Godfrey. Bernard, that was.

Mr. Eberle: There is a Mr. Godfredson.

The Witness: No. It is not Alvin. It is the other one.

Q. (By Trial Examiner Bennett): Bernard Godfrey?

A. Yes. And then there was a Mr. Going. And I believe that is all, that I went with them.

Q. (By Mr. Eberle): Did you make any statement to them about the union?

A. I didn't know anything about it. I just sat and listened.

Q. Who made the statements about the union?

A. Mr. Herzinger was telling them about the union.

Q. And what did he say to them?

A. It's been so long ago, I can't remember just really what he did say to them.

Q. Did Mrs. Herzinger say anything about the union to them?

A. Not that I can recall. She more or less just sat and listened like I did.

Mr. Eberle: Could Mr. Weston ask her a question? [144]

(Testimony of Donna Christenson.)

Trial Examiner Bennett: If there is no objection.

(No response.)

Q. (By Mr. Weston): As I understand, you were one of the original group that helped to start this organizational campaign. Is that right?

A. Well, it was talked about, it had been for quite awhile, and I was home one night and I was asked if I wanted to go along with the others and say, tell them where these different people lived. They weren't sure of the addresses. And I went along on that basis.

* * * * *

Q. (By Mr. Weston): Was the plan in organizing these employees to keep it secret so that the employer wouldn't know about it?

A. Not as far as anyone out and said anything about it.

Q. Wasn't there some argument or some objection about the fact that the employer had found out who was in the union? Do you know anything about that?

A. Well, the only thing about that, they just told me that someone had gone to Mr. Slayden and told him everyone that was [145] in it. I had never been told not to go to Mr. Slayden and tell him, not to tell anybody. And the only thing they said about the cards was that they had known about who had signed them. And I didn't say anything about that because it wasn't any of my business.

(Testimony of Donna Christenson.)

Q. Weren't you at the meeting where Mr. Hoffman got up and spoke, the first meeting?

A. Yes.

Q. Wasn't there some dissension or some argument or some discussion among the employees the next day about the fact that Mr. Hoffman had gone against the union?

A. Well, they all thought it was rather cowardly, the way he had done it. Instead of going out to Mr. Slayden in the plant, he had gone out before Mr. Slayden ever came to work. But I don't work with the rest of them in the plant, so I don't know what they talked about it.

Q. So the objection was to the fact that Mr. Hoffman had made this disclosure to the employer prematurely, is that right?

A. As far as——

Q. They didn't like that, did they?

A. No, they didn't think it was quite right to think that Mr. Hoffman would do that, when he seemed, in my own opinion, at the meeting, willing to be a ringleader.

Q. There has been some testimony in this record to the effect that when you people joined the union, or most of you, you [146] joined with the idea that you would join if everyone else would join. Is that correct?

* * * * *

A. That is just about it.

Q. (By Mr. Weston): That is the way the campaign was carried on, wasn't it? And some of them objected to joining until all of them were in?

(Testimony of Donna Christenson.)

A. Pardon?

Q. Some of them objected to joining until all of them were in, is that right?

A. Well, there was only two that I can think of that were that way. They were rather skeptical about it until after they had attended the meeting and then after they had attended the meeting it seemed like they were all for it, all for the idea. There was no convincing them. They were ready.

Q. (By Trial Examiner Bennett): Do you mean that meeting of September 22? A. Yes.

Q. (By Mr. Weston): Then, the next day was when they discovered that Mr. Hoffman had told the employer who was in the union?

A. I don't believe it was the next day. I believe it was the day after that. I am not sure.

Q. It was the day after that. And then Mr. Slayden came down to where you were working on the 24th? [147] A. Yes.

Q. And had the talk with you privately?

A. Yes.

Q. And didn't he tell you at that time that he didn't care whether you did or didn't join the union?

A. He said it didn't make any difference to him.
* * * * *

Q. (By Mr. Weston): Well, I believe you testified that he said that they might lose their Christmas bonus or they might not get Saturday off, but did he tell you that that is what would happen to you if you joined the union?

(Testimony of Donna Christenson.)

A. No, he didn't say that to me and he didn't tell me, either, that they might not get Saturday off.

Q. Did you decide to join this group that was going to withdraw from the Union?

A. No. Mrs. Herzinger came in to me on Saturday morning and asked, she said Mr. Slayden was providing transportation over to withdraw from the union and asked me if I wanted to go and I told her no.

Q. What time was that?

A. I believe it was before 9:30, because I talked to Mr. Godfredson in the office about a quarter to 10 and it was before that time.

Q. So she told you that Mr. Slayden was going to furnish you transportation before he went down and talked to the employees, is that right?

A. Well, it was before that time because I went upstairs to talk to Mr. Godfredson at just about, it was either a quarter to 10, it was between a quarter to 10 and 10 o'clock, because I left shortly after that.

Q. Isn't it a fact that the employees decided to abandon the union or withdraw their authorization to the union when they discovered that Mr. Hoffman had told the employer about the membership? Wasn't that one of the reasons it was purged by the employees?

A. I don't believe so.

Q. Well, what was the reason that some of them wanted to get out of the union?

A. Well, some of them wanted to get out merely because of the fact that they were just afraid of

(Testimony of Donna Christenson.)

what would happen. I myself, Mr. Slayden had never done anything to me, but I was always half scared of him and I believe the rest of them were that way, too.

Q. (By Trial Examiner Bennett): When was it that they showed this belief or indicated that they felt that way?

A. Well, I would say it was on the day that Mr. Slayden found out about it. [149]

Q. Which day do you mean?

A. On the 24th.

Q. (By Mr. Weston): Coming back again to the 26th, you say that Mr. Slayden knew, or was going to offer transportation to these employees as early as 9 o'clock that morning?

A. That is when I was told.

Q. Who told you that?

A. Mrs. Herzinger came in. I was working and talking to Mr. Talbot at the time.

* * * * *

Q. (By Trial Examiner Bennett): Do you know of your own knowledge what time he spoke to the employees on that Saturday morning?

A. I don't have the slightest idea. The only reason that I am so sure about the time is because they had a coffee break in the morning between 9:30 in the morning, they have one, and I had gone up to the office in that time to talk to Mr. Godfredson about my vacation.

Q. (By Trial Examiner Bennett): And it was before that that she spoke to you?

(Testimony of Donna Christenson.)

A. Before that, because right after that, that time, well, I [150] left.

Q. (By Mr. Weston): But Erma Herzinger did tell you that Mr. Slayden knew that the employees——

Mr. Weston: I will withdraw that question.

Q. (By Mr. Weston): But Erma Herzinger told you that the offer for transportation was coming from Mr. Slayden? A. Yes.

Q. About 9 o'clock in the morning?

A. I didn't say 9 o'clock in the morning.

Q. About 9 o'clock?

A. Sometime between 9 and 9:30, I would say.

Q. And that, of course, would be prior to the time that he went down and talked to the employees? A. I don't——

Mr. Bruckner: I object.

Trial Examiner Bennett: Sustained.

Mr. Weston: I am simply quoting what is in the record.

Trial Examiner Bennett: I believe she testified in answer to my question that she had no idea what time he spoke to the employees that morning.

Mr. Weston: I know, but there is other proof in the record——

Trial Examiner Bennett: In the record, but not according to this witness. I am aware of the record, but not according to this witness.

Q. (By Mr. Weston): There is some testimony here that two or [151] three employees left in a car to go over to the union. As a matter of fact, there

(Testimony of Donna Christenson.)

were five. A. I don't know.

Q. You have no idea how many went over to the union? A. I have no idea.

Q. Were you talking with the rest of the employees that morning? Were you in the group waiting for this group to go over to the union hall?

A. No. Right after I finished talking to Mr. Godfredson, Mr. Slayden was in the office and I quit. I asked him, Mr. Slayden, "Do you want me to finish the morning?" and he said, "I don't care." And I went downstairs and put on my coat and left.

Q. (By Trial Examiner Bennett): What time was that? A. Just about 10 o'clock.

Q. (By Mr. Weston): So you were not among those awaiting the report from the girls who went to the union hall? A. No.

Q. When did you hear from that group?

A. I didn't even hear about that until right here in this room. [152]

* * * * *

EVELYN PHARRIS

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Bruckner): Will you state your name and address, please?

A. Mrs. Orville R. Pharris.

Q. Give your name that you usually go under

(Testimony of Evelyn Pharris.)

and then we will take the name under which you signed this card. A. O. K.

Q. (By Trial Examiner Bennett): What is your first name, your own name?

A. Evelyn, 451 North Seventh, Pocatello, Idaho.

Q. (By Mr. Bruckner): Have you ever been an employee of Idaho Egg Producers?

A. Yes.

Q. You are not now, I take it? A. No.

Q. When were you employed there?

A. I believe it was sometime in August I started and——

Q. August of 1953?

A. 1953, and the last I worked there was December 5.

Q. The 5th?

A. No, it was one or two days before the 5th, because I had to go back and get my check. [153]

Q. (By Trial Examiner Bennett): The first few days in December? A. Yes.

Q. (By Mr. Bruckner): And you worked continuously from the day you gave us as the start of your employment to the first few days in December?

A. Yes.

Q. What was your job?

A. I candled eggs.

Q. Where? A. In the candling room.

Q. Is that the basement?

A. Yes, in the basement.

Q. That is the same place that Mrs. Herzinger worked? A. Yes.

(Testimony of Evelyn Pharris.)

Q. Were you working there on September 26, 1953, which, to refresh your recollection, was a Saturday? A. Yes.

Q. While you were working there on that day, do you recall that Mr. Slayden came down and spoke to the employees in that room?

A. Yes, he did.

Q. He did. Now, about what time of the day was this?

A. Well, I can't say just what time it was. I know it was around nine or after.

Q. You have been here in the hearing room during previous [154] testimony here, haven't you?

A. Yes. I am not sure just what time it was.

Q. (By Trial Examiner Bennett): Irrespective of what you may have heard in the hearing room, what is your best recollection of the time? If you don't know, just say so.

A. I don't remember what time it was, just exactly what time it was or anything.

Q. Was it the morning?

A. Yes, it was the morning.

Q. (By Mr. Bruckner): Do you recall the employees that were working there at that time?

A. Yes, most of them anyway.

Q. Will you name them, please, if you can?

A. Carrie Monroe, Carrie Tofanelli, Frances—I don't know how to pronounce her last name.

Q. Sladek? A. Yes. And Mrs. Jensen.

Q. Which one? A. Ruthe Jensen.

Q. And?

(Testimony of Evelyn Pharris.)

A. And Elizabeth Pharris and myself and Erma Herzinger and Nina Cordell and Thora—I don't know what her last name is, either.

Q. Panter?

A. Panter, all right, and Zina Jensen, I believe, and Ida Brooks, and I don't know if Janet was there or not. [155]

Q. Janet Stoddard?

A. Yes. I don't remember if she was there or not.

Q. Just take your time and describe to us in your own words what was said and done by Mr. Slayden and any of the employees at that time.

A. Well, Mr. Slayden came downstairs to the candling room and, well, I knew what he said, but I can't think of it now when I am up here.

Trial Examiner Bennett: You tell us just as well as you can recall.

If you want to ask a preliminary question, I think that it is permissible under the circumstances.

The record may indicate that the witness has been hesitating considerably.

Q. (By Mr. Bruckner): Do you recall Mr. Slayden saying that he would like to talk to you?

A. Yes. He said that he would like to talk to us about the union.

Q. Did you girls stay in your booths while he spoke to you?

A. No. We was standing by the door where we eat lunch.

Q. (By Trial Examiner Bennett): You stopped work after he came in?

(Testimony of Evelyn Pharris.)

A. Yes. He wanted to talk to us, so we went out there.

Q. (By Mr. Bruckner): Do you recall whether anything was said about joining the union? [156]

A. Well, he told us that if we would withdraw our cards, that if we wanted something like Saturdays off, or if it was possible that he would try and get it for us, and if we had some questions to come up to him about them, not to be afraid. And he said also that he would furnish transportation down.

Q. (By Trial Examiner Bennett): To where?

A. To the, well, I don't know what the name of that building is.

Q. (By Mr. Bruckner): The Labor Temple?

A. Yes, to the Labor Temple, where those cards were, to withdraw them, that we could candle eggs, the eggs that we had in our booth and after they were finished that we could go down and withdraw our cards, but to finish what eggs we had.

Q. What else do you recall him saying?

A. (No response.)

Q. Do you recall anything being said about overtime?

A. Well, he said that the girls, well, the reason they wanted to join, well, the girls wanted more overtime, and he said if we would withdraw our cards that he would try and give us more overtime and Saturdays off. So I believe we had one or two Saturdays off and then he said that——

(Testimony of Evelyn Pharris.)

Q. You mean, you had one or two Saturdays off when?

A. Well, after the girls wanted, they wanted Saturdays off, you know, and then work from 8 until 4:30 and have half an hour noon. [157]

Q. (By Trial Examiner Bennett): You said you had one or two Saturdays off. Was this before or after he talked to you?

A. After the talk. We had, I believe, it was one or two Saturdays off and then he said that those who wanted to work the next Saturday could and if they didn't want to they didn't have to.

Q. (By Mr. Bruckner): In other words, it became optional thereafter?

A. There was a few who worked and a few who didn't.

Q. Back to this talk on September 26, going back to this talk, do you recall if anything was said at that time about what would happen if the employees joined a union?

A. You mean, if the—what do you mean?

Q. If Mr. Slayden said in words or substance anything about what would happen, would there be any changes if the employees joined a union, joined the union?

A. Well, he said that if the girls joined the union that he wouldn't be able to give us time off, that we would have, you know, like getting paid for going home early or something, that we would have to work right up to the hour of the time that we were supposed to get off, where if we didn't join

(Testimony of Evelyn Pharris.)

that things that might be possible for us to be off a little early, that he would still be able to pay us for it, and in that way that the union couldn't do anything about it.

Q. Was anything said, if you can recall, about getting paid for up until 12 o'clock that Saturday?

A. Yes. He said if we wanted to we could go down and withdraw our cards and he would pay us up until noon.

Q. Can you recall whether Mr. Slayden said anything about his own feeling in the matter?

A. Well, he said that he hadn't slept for about three nights because he was worried about what the employers were going to do, that he thought that the, that if he had a talk with the girls, that between the girls and the, well, all of them that were involved in the union, that they could work it out together without involving the union it it, without the girls joining, that he thought those people could work it out together.

Q. Did he in any way indicate by words or actions how he felt about, aside from what you have already told us, how he felt about whether you should withdraw from the union?

A. Well, you mean if he said we had to or not?

Q. Yes, that is right.

A. He didn't say we had to. He said if we wanted to that he would furnish the transportation.

Q. After he left did any of the girls leave, do you know?

(Testimony of Evelyn Pharris.)

A. Well, Carrie Monroe left, but I don't know who the others were that left.

Q. Did you leave early that day?

A. Well, I was about the last one to leave. There was, I think there was, four of us went out and sat in Ruthe's car, waiting for Ruthe so that we could withdraw our cards. [159]

Q. (By Mr. Bruckner): You were going to withdraw, too?

A. Yes. And in the meantime, well, Carrie had called back and Mr. Slayden came out to the car. I don't know why he came outside. I guess he was going to leave. But anyway he came over to the car and talked to us and he said that he thought Ruthe was pretty brave because of the way she stood up, you know, and——

Q. Brave about what?

A. Let's see. How can I word it?

Trial Examiner Bennett: You put it any way you like.

A. (Continuing): Well, I don't know if he called her, I think he called her up to the office and he thought that he could talk to Ruthe and that she could talk to the girls better than anybody else.

Q. (By Trial Examiner Bennett): This is what Mr. Slayden told you at the car?

A. No. That is why Mr. Slayden thought that Ruthe, you know, was——

Q. Was brave?

A. Yes. And anyway he came out to the car and he was telling us about if we wanted something to

(Testimony of Evelyn Pharris.)

just ask him for it and if it was possible that he would get it for us, and that's when he told us that he hadn't slept very good because he was trying to think things over.

Q. (By Mr. Bruckner): I see. That is when he told you that. It wasn't at the meeting, then?

A. No. He told us out at the car about that.

Q. I see. Did you go down to the union to try to withdraw?

A. No, because when Ruthe's husband—no. I went back to the building or something and Ruthe said that they called, had called, and said that the place wasn't open. So I walked home.

Q. Ruthe Jensen told you that?

A. Yes. Ruthe said that it was closed. So I didn't wait for her to get through, finished working, so I just walked home.

Q. (By Trial Examiner Bennett): When you referred to "Ruthe" before, did you mean Ruthe Jensen? A. Yes.

Q. (By Mr. Bruckner): What time did you complete your work and leave the plant?

A. I believe it was a little after 10 or 10:30. I am not sure what time it was. I know it was going on 11 when I went home.

Q. And you had waited out in the car for some time?

A. We had waited out there for Ruthe; you see, she helped Taylor check boards, so we was waiting for her to get off work.

(Testimony of Evelyn Pharris.)

Mr. Bruckner: I see. Nothing further.

Cross Examination

Q. (By Mr. Weston): When Mr. Slayden came down to see you on Saturday morning, the 26th, about the first thing he said was that he wanted you people to get to work and quit talking about this union and other things?

A. I wouldn't say. I was clear in the back from where Mr. [161] Slayden was standing and I didn't hear the first things, few things, he said, and then I came up there.

Q. Did you hear him tell the group down there that the question of joining a union or staying in a union or getting out of a union was entirely up to you people?

A. Yes, he did say that. But the girls were afraid to stay in the union, part of the girls were going to drop out because they were scared. Well, then the other girls figured they might as well because if part of them were going to drop out they were surely going to lose, the union wasn't going to get in, so they were scared, if they left their names in, they were going to get fired, so they just wanted to withdraw their names, too.

Q. Prior to this meeting on September 26 some of you people knew that some of the others were going to get out of the union, didn't you?

Trial Examiner Bennett: Do you understand the question?

(Testimony of Evelyn Pharris.)

The Witness: Would you say that again, please?

Trial Examiner Bennett: The reporter will read it back.

Q. (By Mr. Weston): Well, prior to the Saturday meeting——

Trial Examiner Bennett (interrupting): Read the question.

Q. (By Mr. Weston—continuing): ——wasn't it rumored around the plant and wasn't it known that Mr. Hoffman had sort of gone back on the employees and informed the employer of the membership in the union? A. Yes. [162]

Q. That was common knowledge, wasn't it?

A. Yes.

Q. And you didn't like that? A. No.

Q. And didn't you also know that some of the men had decided, because of that act on the part of Mr. Hoffman, that they were going to get out of the union?

A. No, I didn't because I didn't talk to any of the men.

Q. But among the girls that rumor was also prevalent? A. You mean about him?

Q. Yes. A. Yes.

Q. And the girls didn't like it, either?

A. No, they didn't.

Q. So that even before Mr. Slayden came down and talked to you on Saturday there was some agitation towards getting out of the union, wasn't there? A. I never heard any.

Q. When did you decide to get out of the union?

(Testimony of Evelyn Pharris.)

A. Well, after Mr. Slayden came down he gave the talk and then all the girls said well, they would withdraw, and then I felt well, I might as well, too.

Q. So you stayed right there with the group that stayed around the plant to see what report Carrie Monroe, was it, would bring back? [163]

A. Well, you see, we all planned to go down, I mean, most of them anyway, and withdraw their names, our names, and before the girls had all finished up so that they could leave, why, Carrie had called up, but they didn't know she was going to call back.

Q. So your reason for wanting to withdraw from the union was because the rest were withdrawing?

A. That is right.

Q. And it is true that Mr. Slayden said you could stay in the union, you could get out of the union or you could join the union, as you saw fit?

A. Yes, but the girls were still scared.

Q. You are speaking for the girls or for yourself?

A. For myself, too. I was afraid of losing my job just the same as the rest of them.

Q. Did he say anything about anybody losing their jobs?

A. I don't remember just what he did say about it.

Q. Do you know of anyone down there who has ever lost their job from joining a union?

A. Well, not that I can think of.

Q. How long did you work there, did you say?

(Testimony of Evelyn Pharris.)

A. I worked there, I believe I started in August, until December.

Q. Just the one year. Had you worked there in former years? A. No. [164]

Mr. Weston: That is all.

Q. (By Trial Examiner Bennett): Directing your attention to the Saturday morning when Mr. Slayden came down, what were you doing when he came down there? A. Candling eggs.

Trial Examiner Bennett: That is all I have.

Any redirect?

Redirect Examination

Q. (By Mr. Bruckner): Did you work any Saturdays after that September 26?

A. Well, it's like I said, he told, I believe that was after he gave the talk, he said those who wanted to could and if they didn't want to they didn't have to. * * * * *

RUTHE JENSEN

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows: [165]

Direct Examination

Q. (By Mr. Bruckner): Will you state your name and address, please?

A. Mrs. Ruthe Jensen, 1256 North Hayes.

Q. Pocatello, Idaho?

A. Yes, Pocatello.

Q. Are you an employee of Idaho Egg Producers? A. Yes, I am.

(Testimony of Ruthe Jensen.)

Q. What is your job?

A. I am an egg candler.

Q. How long have you worked there?

A. About eight years off and on.

Q. You were at this meeting of the employees at the Labor Temple on September 22, 1953, weren't you?

A. Yes, I was.

Q. And you were at work that week, weren't you?

A. Yes.

Q. Do you know Carrie Monroe?

A. Yes, I do.

Q. Did you ever see her sign a card?

A. Yes.

Q. An authorization card similar to the one I show you, which is GC-7-A?

A. Yes.

Q. Where did you see her sign it? [166]

A. In my booth.

Q. When?

A. I can't remember dates.

Q. In relation to this union meeting, when would you say it was?

A. It was before the meeting.

Q. It was before that union meeting of September 22?

A. Yes.

Q. What did you do with the card after she had signed it?

A. I gave it to Erma.

Q. Erma Herzinger?

A. Yes.

Q. I will direct your attention to Thursday, September 24. That was two days after the meeting?

(Testimony of Ruthe Jensen.)

A. Yes.

Q. And I will ask you if you did not have a conversation with Mr. Slayden on that day, the subject of which was the matter of the union.

A. Yes, I did.

Q. When did this conversation occur?

A. Eight-thirty in the morning.

Q. Where? A. In Mr. Slayden's office.

Q. Were you called to his office?

A. He asked me the night before if I would come up and talk to him. [167]

Q. And was anybody else present at that time?

A. No.

Q. Will you please tell us what he said to you and what you said to him at that time?

A. Well, I went into Mr. Slayden's office and I sat down and he asked me what made me do what I did and I didn't say anything for a minute. And he said that he had heard from other sources that I had been one of the main ones in this union. And I told him yes, that I wouldn't lie to him because I had, and he wanted to know why I hadn't come to him. And I said, "Well, I had been to you one other time and asked for more money but we couldn't get it." And he said, "Well, if the union comes in, you know", he said, "there is nothing saying that we will have a bonus or two weeks with pay, and you will have to punch a time clock", and he said there would be someone around to see that we were on the ball every minute.

(Testimony of Ruthe Jensen.)

Q. (By Trial Examiner Bennett): What was this about the bonus?

A. A bonus, we have a bonus check, he said there would be nothing in the union deal that said we would get that, that they had to pay that, I mean, you get two dollars——

Q. (Interrupting): Just what he said.

Q. (By Mr. Bruckner): What is the bonus?

A. Two dollars a month.

Q. When is it given you?

A. At Christmas. [168]

Q. Have you received it in the past?

A. Yes.

Q. Will you continue with your conversation that you had with Mr. Slayden?

A. And he also told me he had blueprints in the safe that would eliminate a lot of girls if they had it installed.

Q. If they had what installed?

A. Machinery, they had a machine down there.

Q. Yes?

A. And then he said he knew the names of the employees that had signed, and I said no he didn't. And he said yes, Bill had been to his house and told him.

Q. Bill?

A. Bill Hoffman. So he called Bill in. And I asked Bill, I said, "Did you tell Mr. Slayden about this?"

Q. You mean, Bill Hoffman came in?

A. Yes, Bill Hoffman came in.

(Testimony of Ruthe Jensen.)

Q. I see.

A. And he said that yes, he had told Mr. Slayden about the union and he was sorry that he had ever had anything to do with it. And I just waited around and thought maybe he would leave. And he felt bad and started to cry, so Mr. Slayden——

Q. Who started to cry?

A. Mr. Hoffman started to cry. So I went downstairs.

Q. (By Trial Examiner Bennett): You left while he was crying? [169] A. Yes.

Q. (By Mr. Bruckner): Is that all you can recall about that conversation? A. Yes.

Q. Do you recall whether anything was said about wanting Saturdays off then?

A. Oh, yes. Mr. Slayden asked me what was some of the things the girls would like and I says, “Well, for one thing, they would like more money and Saturdays off”, and he said, well, he couldn’t give us more money but he would try and get our Saturdays for us, which he did.

Q. Did you tell the girls what Mr. Slayden had told you?

A. Yes. I went down and told them, tried to, the best way I knew how, what he had said.

Q. (By Trial Examiner Bennett): When did you do that?

A. Just after I had talked to him. And I tried to explain it to them the best way I knew what we would get and what we wouldn’t get. And right then

(Testimony of Ruthe Jensen.)

and there, well, some of them had decided they didn't want to belong anyhow.

Q. (By Mr. Bruckner): Did you hear Mr. Slayden talk on Saturday, September 26, in the candling room? A. Yes, I did.

Q. You were there at the time? A. Yes.

Q. Do you recall who else was there at the time?

A. All the girls were there, who candled.

Q. Can you name them? A. Yes.

Q. Who were they?

A. Carrie Monroe, Carrie Tofanelli, Frances Slepicka, myself, or Ruthe Jensen, Elizabeth Pharris, Zina Jensen, Thora Panter, Erma Herzinger, Evelyn Pharris, Janet Stoddard, Nina Cordell, Ida Brooks and Jo Ann—I can't think of her last name—she may have come in afterwards.

Q. What time of the day was this?

A. It was after we had coffee and that was about a quarter, about 9:30 that we had coffee.

Q. Did you hear what he said from the beginning to the end? A. I think I did.

Q. Well, will you tell us to the best of your recollection what he said and what was said by any of the employees, if anything?

A. Well, he came in and told us to get back to work, we were all out of our booths, and he said, "Get back to work", and he said to get our eggs done, that our average was down and our sheets were all off. So he says, "About this union, I don't care what you do, one way or the other", he says, "Do it to suit yourself." He said that he had never

(Testimony of Ruthe Jensen.)

been a union man and he never did, he wasn't ashamed to admit it. And he said that if we wanted to withdraw our names that he would furnish transportation. [171] And I think that is all that was said.

Q. Do you recall whether any of the girls asked if they could withdraw?

A. I don't know whether they did or not.

Q. Do you know if any of the girls did decide to go down there and withdraw, to the Labor Temple?

A. Pardon?

Q. I say, do you know if any of the girls did go down to the Labor Temple to withdraw?

A. Yes.

Q. Incidentally, during the course of this conversation did he say if the girls would be paid to 12 o'clock noon anyway?

A. Yes, he did.

Q. What did he say? You tell me.

A. Well, he just said to finish our eggs and after we had finished and gotten our work done we could go on home and he would continue paying us to noon.

Q. Was this the usual procedure or was this unusual?

A. Well, we always worked until noon, so I imagine he was just going to be nice enough to pay us until then so we wouldn't lose any time.

Q. Had you had Saturdays off prior to that time?

A. Well, in the time I have worked there I haven't had many.

(Testimony of Ruthe Jensen.)

Q. What was the usual procedure——

Mr. Bruckner: Strike that. [172]

Q. (By Mr. Bruckner): What were your hours before this day?

A. Well, we worked seven hours a day and five hours on Saturday to get our 40 hours in.

Q. How long had you been working on that kind of a shift before September 26?

A. A long time.

Q. What would you say was a long time?

A. A couple of years.

Q. A couple of years. And after September 26 did this shift change? A. Yes.

Q. What was it changed to?

A. It was changed to eight hours a day.

Q. Which meant that you no longer had to work on Saturday, is that correct? A. Yes.

Q. (By Trial Examiner Bennett): Coming back to the talk you had on September 24, with Mr. Slayden, you said he asked you the night before to drop in? A. Yes, he did.

Q. What time did you drop in?

A. I went in at 8 o'clock, but I asked him, I told him I was ready to talk to him and he said he wasn't ready yet and I asked him what time would be convenient and he said 8:30, so I went back at 8:30. [173]

Q. Then you had your talk at 8:30?

A. Yes.

Q. (By Mr. Bruckner): Did you get any Christmas bonus this past year? A. Yes.

(Testimony of Ruthe Jensen.)

Q. Do you know if the other girls got it?

A. Yes, they did.

Q. They did? A. Yes, they did.

Q. Again, directing your attention to Saturday, September 26, did you get a telephone call from Carrie Monroe that day?

A. Yes. Well, I usually answer the phone downstairs if the foreman doesn't answer it, and so I answered it and she was on the line.

Q. Did you recognize her voice?

A. Yes.

Q. About what time was this?

A. It was about 11, I imagine. You see, I stay an hour later than the other girls do to check up, we do the checking up of the sheets at night.

Q. What did she say to you and what did you say to her at that time?

A. She just told me that the other girls could go ahead and go on home because the union office was closed and we wouldn't be able to withdraw our slips because it would have to come to some [174] kind of a vote. So the rest of us didn't go down.

Q. Were you going to go down?

A. Yes, I was.

Q. You were going to go down in company with other girls? A. Yes.

Q. Why?

A. Well, some of the men, they said all the men had withdrawn and that they would lose, I mean, they wouldn't gain by the union because they would be getting less hours. And I thought, we

(Testimony of Ruthe Jensen.)

thought, I thought well, it wouldn't really be much for me, a lot of the girls had withdrawn, there was only a few of us left, not enough to do any good, so I thought I might as well go out, too.

Q. Had you made any attempt to withdraw before that day? A. No.

Q. (By Trial Examiner Bennett): Had any of the others, to your knowledge, attempted to withdraw before that Saturday? A. No.

Q. (By Mr. Bruckner): I will again direct your attention to this conversation you had on September 24, whatever that day was, with Mr. Slayden, and ask you if you can recall whether you were asked who had, who was in the union or who had signed up. A. Yes. And Mr.—

Q. (Interrupting) Who asked you?

A. Mr. Slayden. [175]

Q. What did he say?

A. He asked me if, who, that he knew who had signed in the union, signed up with the union, and I told him no he didn't because I didn't, because the union man had our names, and he said yes, he did, that Bill had given him the names the night before.

Q. Yes, I understand that, but did he ask you who had signed? A. No.

Q. (By Trial Examiner Bennett): In other words, did he ask you a question rather than making a statement? A. No.

Mr. Bruckner: I see.

Q. (By Mr. Bruckner): About how many girls

(Testimony of Ruthe Jensen.)

had you decided to go down to the union hall with?

A. I think there were four of us going down.

Q. To withdraw? A. Yes.

Mr. Bruckner: That is all.

Cross Examination

Q. (By Mr. Eberle): When did you start working for the Idaho Egg Producers?

A. I think about January 3, 1946.

Q. And you have worked steadily since that?

A. Not steady, no. I quit a couple of summers when my children were young. [176]

Q. At times of the year candling sloughs off, is reduced? A. Yes.

Q. And in prior years, whenever that occurred, whenever that occurs, you don't work Saturdays?

A. Yes, we worked our Saturdays, yes.

Q. Did you?

A. Yes. That was almost——

Q. (By Trial Examiner Bennett) Almost what?

A. Almost a must, that we put in our Saturdays.

Q. (By Mr. Eberle): Were you working there at all at times when there wasn't enough eggs to candle? A. Yes.

Q. What would they do then, lay off some of the help? A. Yes.

Q. Some of the help would be laid off?

A. Yes.

Q. (By Trial Examiner Bennett): How about the others, who were not laid off, would they work

(Testimony of Ruthe Jensen.)

Saturdays? A. What do you mean?

Q. When you said at times some of the help would be laid off.

A. Well, there would be the majority, I mean, like if there was just enough eggs for three girls, then the oldest three girls would work.

Q. Would they work Saturdays?

A. They would work the Saturdays, or whatever day it was, as [177] long as they had the eggs——

Q. (By Mr. Eberle): There would just be a few old-timers? A. Yes.

Q. (By Trial Examiner Bennett): When you said some people would be laid off——

A. Just like if we only had enough eggs to do until Tuesday, well, then they would be laid off Friday and Saturday, until Tuesday.

Q. And at times, when there wasn't enough work, just some people would work on Saturdays and——

A. They would just work what time they could get.

Mr. Bruckner: I think there may be a misunderstanding on that.

Trial Examiner Bennett: I thought she originally testified for me that the help would be laid off and the remainder would work the full week, including Saturdays. And then I thought she testified for Mr. Eberle that only some of the people would work on Saturday.

Q. (By Trial Examiner Bennett): Now would you clarify that for us in your own words?

A. Well, now, like if there was five of us work-

(Testimony of Ruthe Jensen.)

ing and we had been working every day and when it came down to near the end of the eggs and there wasn't too many, the ones who didn't have the seniority would be laid off until those eggs had been completed and the next lot—we have pools, we open and close a [178] pool, and that is on a Tuesday and our eggs have to work according to that. I mean, in other words, if we did eggs on a Tuesday, then we wouldn't do the following lot of eggs until the next day. So if we ran out at two o'clock we would all go home at two o'clock.

Q. (By Mr. Eberle): If the eggs ran out so there wasn't enough on Saturday, they would just let those work on Saturday that there was work for, they would stay on and the rest would be dropped off?

A. Yes, the ones who had seniority, yes.

Q. Let's go on to this conversation you had. I guess it was on Thursday, was it, or on Friday?

A. I don't remember when it was.

Q. The one that Mr. Slayden asked you to come up to talk to him. A. Yes?

Q. When you went up there, the first thing he said was, wasn't it, "What have I done wrong, that you have gone and gotten the union, what haven't I done right?"

A. He just asked me what made me do what I did. And I didn't answer him and pretty soon he said he found out from different sources that I had been one of the main ones.

Q. But he told you then that Mr. Hoffman had

(Testimony of Ruthe Jensen.)

hold him all about the union? A. Yes.

Q. So he knew all about it, then, at that time?

Q. And about these blueprints, what he told you was that if wages went up to a point where it was uneconomical to use labor and they had to use machines, they would use the machine?

A. Well, he didn't say it in them words.

Q. But that was the substance of his statement?

A. He just said he had this machine that would, if he had to install it, he would.

Q. That was because if the wages got so high that they had to use machinery, he had plans for it?

A. I imagine that is what he meant.

Q. You knew about that they had been planning——

Mr. Bruckner (interrupting): Well, now——

Trial Examiner Bennett: When you say you imagine that is what he meant, we want you to confine yourself to what he said.

The Witness: Well, I didn't take it that way right then. I thought it meant that he would install it.

Q. (By Mr. Eberle): You knew that they had been planning on this for several years, didn't you?

A. Yes, I had even seen the machine in pictures.

Q. For several years they were planning on it, whenever it was economical or feasible?

A. Yes. [180]

* * * * *

Q. (By Trial Examiner Bennett): Do you know

(Testimony of Ruthe Jensen.)

that they were planning on it in such time as it was economically feasible, or don't you know?

A. I don't know if they were going to or not.

Q. (By Mr. Eberle): They had plans for it, you had known that for several years, the question was?

A. Yes, I knew that.

Q. (By Trial Examiner Bennett): Do you know specifically what their plans were, that involved that machine?

A. I think it was the machine——

Q. Were you told what they were?

A. No. I just saw pictures.

Q. (By Mr. Eberle): Well, you saw them, you were told about them, and you looked at the pictures and so forth? A. Yes.

Q. Now, you said that some of the employees didn't want to belong anyway. Who were they?

Mr. Bruckner: I recall no such testimony, sir. I object to that.

Q. (By Mr. Eberle): Did you say that some had decided they did not want to belong anyhow?

A. No.

Q. What did you say about that?

Trial Examiner Bennett: She said she didn't make the [181] statement.

A. I don't understand.

Q. (By Mr. Eberle): Were there some that didn't want to belong even in the first instance?

A. I don't think so. We didn't force them to it. They said later that they didn't know why they did it, but they weren't forced into signing it.

(Testimony of Ruthe Jensen.)

Q. When they told you that they didn't know why they did it, at that time did they want to get out? A. Yes.

Q. When was that?

A. I think it was Saturday.

Q. They told you they never wanted to get it in in the first place?

A. They didn't know why they did.

Q. (By Trial Examiner Bennett): They didn't know why they had gotten in in the first place?

A. Yes.

Q. (By Mr. Eberle): What were these employees told when they were asked to sign these cards?

A. Well, I just told them what I, why I signed and I just told them I figured I was going to better myself and it sounded like a pretty good deal, so they were going to do it, too.

Q. What did they tell you when you joined?

A. Well, I just told them that I——

Q. (Interrupting) No. I mean, what did they tell you when [182] you joined?

A. Well, I would probably get more pay. That is what it was for.

Q. Did they tell you how many had signed when you joined? A. No.

Q. Did they say anything about initiation fees when you joined? A. Yes.

Q. What did they say?

A. That I wouldn't have to pay the initiation

(Testimony of Ruthe Jensen.)

fee, just the first month's dues, but the ones who came in after would pay the initiation fee.

Q. Now, when Mrs. Monroe phoned back she said that the office was closed and you couldn't withdraw because the matter would have to come to a vote? A. Yes.

Q. Isn't that the same thing they told you when you joined, that the matter, that this was simply to sign these papers and then the matter would have to come to a vote? A. Yes.

Q. That is what they told you when they asked you to join? A. Yes.

Q. (By Trial Examiner Bennett): When Mrs. Monroe called back on Saturday, had she spoken to somebody? A. I think so.

Q. You don't know who? [183]

A. No, I don't. I probably heard, but I don't remember who.

Q. (By Mr. Eberle): Did she say she had talked to Mr. Lott?

A. I don't remember who she had talked to. She said that she had talked to somebody.

Q. And she, and they told you you couldn't withdraw because the matter, that the matter would have to go to a vote? A. Yes.

Q. When you signed did you read what you were signing?

* * * * *

A. You mean that little slip I got?

Q. (By Mr. Eberle): Yes.

A. That would give me a vote?

(Testimony of Ruthe Jensen.)

Q. Yes. A. Yes, I read that thing.

Q. And you were told then at that time that you would sign and that would set the thing in motion so that there would be a vote on it?

A. Yes.

Q. Did you go back and tell Mr. Slayden that the girls wanted to withdraw? [184]

A. Yes, I did.

Q. Let's see if we get the sequence of it. You had this talk with him and when you had this talk with him he told you about these plans and so forth and then about these wages and so forth, what he said to you was "Well, now, so far as the bonus and the wages, that would all depend upon a contract with the union"? Isn't that what he said? A. Yes.

Q. There was no assurance of what would be in this contract with the union? A. Yes.

Q. Isn't that what he said about bonus and hours and wages and everything, that would depend upon the contract, isn't that what he said to you?

A. Yes.

Q. And that was the substance of that conversation about the wages and hours and Saturdays and so on, bonuses, it would all depend upon how the contract was finally written? A. Yes.

Q. Now, then, he said——

Trial Examiner Bennett (interrupting): This is when, on the 24th?

Q. (By Mr. Eberle): On the 24th, when you went to his office? A. Yes.

(Testimony of Ruthe Jensen.)

Mr. Eberle: Yes. [185]

Q. (By Mr. Eberle): Then he said, "However, it's up to you, no matter what I think about it it is up to you whether you want to join or not"? Didn't he say that? A. Yes.

Q. Then you went downstairs and then you went back to him, didn't you?

A. I went back to him after he had come down and talked to us.

Trial Examiner Bennett: Just a moment. I am interested in the sequence, too.

Q. (By Trial Examiner Bennett): You said you went back and spoke to him after he had come down and talked to, spoke to, you?

A. Yes. That was to us first, yes.

Q. That was on Saturday?

A. Well, that wasn't on the same day that I talked to him, I didn't withdraw.

Q. (By Mr. Eberle): You didn't withdraw that day? A. No, not until Saturday.

Q. Then you went back on Saturday to him, to his office?

A. Yes, after he had come down and we had talked about it. We had been talking all the time, I guess.

Q. (By Trial Examiner Bennett): What happened when you went back to see him on Saturday?

A. I was crying and I just told him, I says, "The majority of them are going to sign", and I says, "And I am ready to withdraw, too", and I says, "They will let you take them over." [186]

(Testimony of Ruthe Jensen.)

And he said, "O. K." He was talking to somebody when I was up there, so I didn't go in his office.

Q. This was after his speech to the group?

A. Yes.

Q. (By Mr. Eberle): You said that the majority wanted to withdraw? A. Yes.

Q. What did he say then?

A. I told him and he thanked me and then he went downstairs.

Q. Isn't it a fact, Mrs. Jensen, that after you talked to Mr. Slayden on the 24th—that was Thursday—between then and Saturday the girls had discussed this pretty thoroughly, hadn't they?

A. Yes, but not in the open, I mean, just——

Q. That is right.

Mr. Bruckner: I think that the witness is entitled to a chance to explain the matter and to complete her answer, Mr. Examiner.

Trial Examiner Bennett: She did not finish her answer.

Q. (By Trial Examiner Bennett): Will you do that?

A. We talked back and forth. We didn't go from one to the other. I mean, in other words, there seemed to be two sides to it. Until it was brought to a head on Saturday, that is.

Q. (By Mr. Eberle): You mean some of them wanted to withdraw? A. Yes.

Q. That was between Thursday and Saturday?

A. Yes.

Q. And, in these discussions you had during

(Testimony of Ruthè Jensen.)

those two days, there some of them wanted to withdraw? A. Yes, they did.

Q. And there were discussions back and forth?

A. Yes.

Q. And then they finally all decided they wanted to withdraw on Saturday? A. Yes.

Q. Now, a lot of them told you, didn't they, that because part of them wanted to withdraw, unless they were all in, there was no use being in, isn't that true? A. Yes.

Q. And part of them that wanted to withdraw between Thursday and Saturday, if they didn't want to withdraw the others wouldn't either?

A. That is right.

Mr. Bruckner: Objection.

Trial Examiner Bennett: Let's have the question read back.

(Last question and answer read.)

Mr. Bruckner: I move to strike.

Trial Examiner Bennett: On what basis?

Mr. Bruckner: On the basis that it is ambiguous and confusing and it is not a proper question.

Trial Examiner Bennett: It is ambiguous to me, so I will [188] grant the motion to strike.

Mr. Eberle: I will put it this way——

Q. (By Mr. Eberle): Prior to Saturday there were some of the girls who wanted out?

A. Yes.

Q. And some who were in doubt about it?

A. Yes.

Q. And on Saturday, the reason that those who

(Testimony of Ruthe Jensen.)

were in doubt withdrew was because part of them wanted to withdraw and unless they were all in, why, they didn't want to be in either, is that right?

A. Maybe I don't understand——

Trial Examiner Bennett: You don't understand the question?

The Witness: No, I don't.

Q. (By Mr. Eberle): Originally practically all of the employees said if all of them went in they would go in, too? A. Yes.

Q. In other words, they didn't want part to be in and part to be out? A. Yes.

Q. Isn't that the basis on which a lot of them went in?

A. Well, I think so, but they still knew what they were doing.

Trial Examiner Bennett: We are only interested in what you heard and observed, not what you think was going on in their minds, so you take your time and answer these questions [189] carefully.

Q. (By Mr. Eberle): You knew that some of them said, "If they will all go in, we will go in"?

A. Yes.

Q. Between Thursday and Saturday some of them wanted to withdraw, didn't they?

A. Yes.

Q. And you knew the men wanted to withdraw, didn't you? A. Not——

Trial Examiner Bennett: Finish your answer.

Q. (By Mr. Eberle): You didn't know about

(Testimony of Ruthe Jensen.)

the men between Thursday and Saturday, but you knew some of the women wanted to withdraw?

A. Yes, that is right.

Q. When did you learn about the men?

A. Saturday morning.

Q. What time Saturday morning?

A. When I, I think I was talking to Mr. Slayden himself and he said that the men had all decided they were going to get out because they weren't going to be bettering themselves.

Q. (By Trial Examiner Bennett): Was this before or after Mr. Slayden made a speech to the group? A. After.

Q. (By Mr. Eberle): What did Mr. Hoffman say that morning, before this meeting with the group? [190]

A. I didn't talk to Mr. Hoffman. That was the day I talked to Mr. Slayden in his office.

Trial Examiner Bennett: Thursday morning or Saturday?

Mr. Bruckner: That was on Thursday.

Q. (By Mr. Eberle): Did Hoffman say anything about it then, about the men withdrawing?

A. No. He was just, he just said he was sorry he had ever had anything to do with the union.

Q. I see. At that time?

A. Yes. But he didn't mention——

Q. (Interrupting) All right.

Mr. Bruckner: Let's have the answer.

A. (Continuing) ——any of the men.

Trial Examiner Bennett: Any of the men?

(Testimony of Ruthe Jensen.)

The Witness: Yes. [191]

* * * * *

Q. (By Mr. Eberle): Mrs. Jensen, did some of the women say there on Saturday that as long as part of them were withdrawing they wanted to withdraw, too? A. Yes.

Q. And even prior to that time some of the employees told you unless they were all in that they didn't want to be in? A. Yes, they did.

Q. Let me ask you, Mrs. Jensen, whether anything that Mr. Slayden said to you had anything to do with your withdrawing.

A. No. I don't think so. I mean, I just didn't, well, I was in so deep anyhow, and I had been one of the main ones, so I just figured well, I would get out.

Mr. Eberle: That is all.

Mr. Bruckner: I have some redirect.

Redirect Examination

Q. (By Mr. Bruckner): Now, Mrs. Jensen, going back to this talk on Thursday, September 24, with Mr. Slayden—— A. Yes?

Q. You know, that was the talk when Hoffman came up and [192] started crying? A. Yes.

Q. Think carefully about this. Did Mr. Slayden actually say anything about contracts during that time, that whether you would have a bonus depended upon what kind of a contract was written?

A. Yes, he did. He said it depended on what kind of a contract that the union, or if we had any

(Testimony of Ruthe Jensen.)

contract with the union, whether we got these things.

Q. Did he say whether there would be a contract with the union? A. No.

Q. Did he say anything about under what conditions the bonus might be taken away?

A. Only if the union came in and it wasn't—

Q. I see.

Trial Examiner Bennett: Just a moment.

Q. (By Trial Examiner Bennett): It wasn't what?

A. It wasn't—well, I don't know how to put it. No. He just said if anything about the union came in—

Q. The bonus would not be paid under what circumstances, now?

A. Well, if the union came in, because it would have to be wrote up in a contract that a bonus would have to be paid and that it may not even be in.

Q. (By Mr. Bruckner): I see. Before this talk with Mr. Slayden had there been any talk among the employees about withdrawing [193] from the union, before you had this talk with Mr. Slayden?

A. No.

Q. Did these discussions among the employees about withdrawing from the union start after you told them what Mr. Slayden had told you?

A. I think so, yes.

Q. And were any of the employees whom you told about this conversation with Mr. Slayden

(Testimony of Ruthe Jensen.)

scared of losing their jobs as a result of what you told them? A. Yes.

Q. Did that enter into their discussions about withdrawing from the union?

A. I think they assumed that way, because I heard it.

Q. Is that what they said? A. Yes.

Q. Did that factor also play a part in the decision of the employees to withdraw after the speech of September 26, you know, the Saturday talk?

A. Uh-huh.

Q. What is your answer? Did you understand my question? A. No, I didn't.

Q. I see. Were they afraid of losing their jobs or losing their bonus as a result of the speech of Mr. Slayden's on September 26, that Saturday?

A. Well, I think they were because they didn't know whether [194] we would get the union in or not.

Q. Did they say that to you?

A. Yes, they did.

Q. Was that one of the factors or the primary reason——

Mr. Bruckner: Strike that.

Q. (By Mr. Bruckner): Was that the reason that they decided to withdraw at that time?

A. I really don't know.

Trial Examiner Bennett: It seems to me we have devoted sufficient time to this witness on the September 24—September 26 period.

Q. (By Mr. Bruckner): Did you state that it

(Testimony of Buthe Jensen.)

was Mr. Slayden who told you after the Saturday, September 26, meeting that the men had decided to withdraw? A. Yes.

Q. Did he tell you how he knew? A. No.

Q. Did I ask if you got paid for that time off before?

A. You didn't ask me, but I did get paid.

Mr. Bruckner: Let's make sure that the record will read correctly here.

Q. (By Mr. Bruckner): Did you get paid for that time off up until Saturday noon on September 26? A. Yes.

Q. Did the other girls get paid for that time off, too? [195]

A. To my knowledge, they did, yes.

Mr. Eberle: In deference to the Examiner's comment, I would still like to clarify that one answer of the witness.

Recross Examination

Q. (By Mr. Eberle): Your answer that you told the group what Mr. Slayden told you, your opinion was that they were scared after you talked to them?

Mr. Bruckner: Objection. [196]

* * * * *

Q. (By Trial Examiner Bennett): Did you hear them comment or discuss the fact that they might be scared? That is the question, I think.

A. Yes, I did.

Q. (By Mr. Eberle): With reference to what

(Testimony of Ruthe Jensen.)

you told them at that time, did you tell them that Mr. Slayden told you that so far as hours and wages and bonuses and so forth, it would all depend on the union contract? A. Yes, I did.

Q. The matter of negotiations? A. Yes.

Q. Did you tell them that he told you it was entirely up to them whether they should join the union or not? A. Yes, I did.

Q. What else did you tell them?

A. That is all I told them. I told them just the truth, what he said.

Q. (By Trial Examiner Bennett): As I understand you told them exactly what Mr. Slayden had told you? A. Yes, I did.

Q. (By Mr. Eberle): Who made this comment to you about being scared?

A. A few of the girls.

Q. Well, who?

A. Do I have to say? [197]

Q. Yes.

A. Carrie Monroe—let's see—I think Janet Stoddard—I can't think of anyone else.

Q. That is the only two, then? A. Yes.

Mr. Eberle: That is all.

Q. (By Trial Examiner Bennett): You testified that after you left Mr. Slayden on the 24th you went downstairs and told the girls everything that had taken place there? A. Yes.

Q. Did you tell them about Hoffman coming in?

A. No. I think one of the men told us that Mr. Hoffman had been in.

(Testimony of Ruthe Jensen.)

Q. Now, you testified that Hoffman came in and said, admitted that he had given Mr. Slayden the names and he was sorry he started it, I mean, and he was crying?

A. Yes. But we heard it from somewhere. We knew about it before I went upstairs.

Q. You also said that Mr. Slayden said he knew the names of those who had signed? A. Yes.

Q. When you came downstairs and spoke to the girls did you or did you not tell them what Mr. Slayden had said in that respect?

A. No, I don't think I did because I didn't think he had all the names, because if he had all that was at the meeting, they [198] wasn't all there, and I didn't think he had them all.

Trial Examiner Bennett: That is all I have.

Mr. Bruckner: I have one more question.

Further Redirect Examination

Q. (By Mr. Bruckner): Did you tell the girls at that time what Mr. Slayden had told you about the machine, too? A. Yes, I did.

Mr. Bruckner: That is all.

Further Recross Examination

Q. (By Mr. Eberle): Just exactly as you had answered my question?

Mr. Bruckner: Objection.

Trial Examiner Bennett: I am inclined to sustain the objection to that.

Anything further of the witness?

(No response.)

Trial Examiner Bennett: You are excused. [199]

* * * * *

Tuesday, January 26, 1954

JANET STODDARD

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Bruckner): Will you state your name and address, please?

A. Janet Stoddard. I live at 3549 Valley Road.

Q. Are you an employee of Idaho Egg?

A. Yes.

Q. How long have you been working there?

A. Well, I started in, January '51 is when I really started.

Q. Did you work continuously up until today or yesterday?

A. No. I worked off and on. I didn't work steady.

Q. What is your job?

A. I candle eggs.

Q. Were you working for the company around in September, or the month of September, 1953?

A. '53?

Q. Yes. That is, last year. A. Yes.

Q. You are one of those who signed a union authorization card? A. I did.

(Testimony of Janet Stoddard.)

Q. I will ask you, Mrs. Stoddard, if you were working at the plant on Saturday, September 26. Do you remember that day?

A. I remember on Saturday, but I don't remember the date. [203]

Q. Well, we will fix the date just a bit later. Do you recall a day when you were working in the candling room and Mr. Slayden spoke to several of the girls down there?

A. Yes. He came down on a Saturday, on Saturday.

Q. Well, this, it just so happens, was September 26. Do you remember which girls were there at the time?

A. I don't remember every one, but I think most of them was there.

Q. Well, the girls who work in the candling room, in the basement, is that correct?

A. Yes.

Q. What do you remember of Mr. Slayden's talk to the girls? Do you remember what he said?

A. Well, he came down and asked us, "If any of you girls want to go over and withdraw your slips you can go and I will furnish the car. The ones who don't want to go don't need to go."

Q. Did you go? A. Yes.

Q. Did you take your own car? A. Yes.

Q. About what time did you leave?

A. I don't remember the exact time.

Q. It was before the end of the work morning, though, wasn't it?

(Testimony of Janet Stoddard.)

A. It was before noon. [204]

Q. (By Trial Examiner Bennett): How late were you supposed to work that day?

A. Until noon.

Q. (By Mr. Bruckner): Who went with you, if anybody did?

A. Lena Panter and Carrie Monroe and Nina Cordell and myself and Zina Jensen, my sister.

Q. I see. Where did you go?

A. We went over to the union hall.

Q. Was anybody there?

A. There was nobody there.

Q. Did anybody make any attempt to contact the union representative?

A. Carrie Monroe.

Q. She called him, did she? A. Yes.

Q. (By Trial Examiner Bennett): At his home?

A. Well, I presumed it was at his home. I don't know.

Mr. Bruckner: I will have Mrs. Monroe testify in just a moment.

Q. (By Mr. Bruckner): Were you paid for up until noon Saturday, that day?

A. I couldn't say because I don't know.

Q. Do you recall what else Mr. Slayden said during the course of his talk to you girls in the candling room?

A. At that time, that is all I remember of him saying. [205]

Q. Do you recall whether anything was said

(Testimony of Janet Stoddard.)

about coming to him instead of going behind his back to the union?

A. Well, yes, I recall of him saying that at another time.

Q. Would you tell me when he said that, please, if you can remember?

A. I don't remember whether it was earlier that morning or another day, but he told us, he asked us why we didn't come to him with what we wanted instead of going around behind his back, which we did.

Q. Yes, ma'am. Which you did what?

A. We went around behind his back and talked.

Q. Was this before that Saturday or after that Saturday? A. It was before.

Q. Where did this conversation take place?

A. In the candling room.

Q. (By Trial Examiner Bennett): Was this to all the girls?

A. Yes, he came in and asked us.

Q. (By Mr. Bruckner): Did he mention the union at that time?

A. Not that I remember of.

Q. (By Trial Examiner Bennett): What were you supposed to have done behind his back?

A. Well, we went around and we was deciding to join the union and he didn't know anything about it. And he asked us why we didn't come to him if we wanted higher wages, why we didn't come to him and tell him. [206]

Q. (By Mr. Bruckner): Did he mention Satur-

(Testimony of Janet Stoddard.)

days off at that time, too? A. No.

Q. Did he mention Christmas bonuses at that time? A. No.

Q. Did he mention Saturdays off at any time?

A. I didn't hear him.

Q. Had you had Saturdays off up until September 26? A. Not when I worked there.

Q. Did you receive Saturdays off after September 26?

A. I think it was after that. But I don't know when. I can't remember.

Q. (By Trial Examiner Bennett): Whenever it was, did you after that time receive Saturdays off? A. Yes.

Q. I don't even remember. It's been too long ago.

Q. Did you want Saturdays off?

A. Yes. I have always liked to have Saturdays off.

Q. Did you ever tell Mr. Slayden you wanted Saturdays off? A. I never told him.

Q. Did you ever tell Mr. Talbot that you wanted Saturdays off? A. Mr. Who?

Q. Talbot. Do you know him?

A. No, I don't.

Q. You just started having Saturdays off without anything being [207] said by Mr. Slayden or anyone connected with the company?

A. As far as I am concerned, I don't remember, to tell you the truth.

Q. (By Mr. Bruckner): During the course of any of his talks to you was anything said about

(Testimony of Janet Stoddard.)

what could possibly be done for the employees if the employees had come to him instead?

A. No.

Q. I am not trying to put words in your mouth. I just want to know if that refreshes your memory.

A. No. He said we could have probably worked something out if we would have come to him.

Q. (By Trial Examiner Bennett): You could have probably worked something out?

A. If we would have come to him, but he didn't say anything that could have been done. That is what he said that day he came down there.

Q. (By Mr. Bruckner): Do you recall whether anything was said about the fact that you could bargain with him without the union?

A. No. He said, he might have mentioned bargaining, but he said we could have bargained or we could have worked something out "if you would have come to me instead of going around behind my back as you did".

Q. And you think you went behind his back?

A. Well, we did.

Q. Is that your opinion? [208]

A. Yes, it is. He didn't know anything about it.

Q. Did you return to work on that Saturday after you went down to the union?

A. I did not.

Q. At the time that Mr. Slayden said, 'If any of you girls want to withdraw your slips I will furnish transportation', did you tell Mr. Slayden anything about taking your own car or that you would

(Testimony of Janet Stoddard.)

take your own car? A. I didn't.

Q. (By Trial Examiner Bennett): How soon after he spoke to you did you leave that Saturday?

A. Well, I don't remember at the time because we had to finish our eggs that we was on.

Q. You had to finish your eggs?

A. He told us to finish what we was doing. Some of us took longer than others because some of us had more eggs to do than others did.

Q. You finished what you were doing and then went away? A. That is right, yes.

Mr. Bruckner: Nothing further.

Cross Examination

Q. (By Mr. Eberle): Now, you do remember Mr. Slayden coming down on this Saturday and saying that if anyone decided to withdraw that he would furnish the transportation?

A. Yes. He said it. [209]

Q. Did he say anything else at that time?

A. I don't remember of him saying anything else.

Q. Now, you do remember another time he came down before that?

A. Yes. But I don't remember what——

Q. Do you——

Mr. Bruckner: Let's have an answer, please.

Q. (By Trial Examiner Bennett): But you don't remember what?

A. I don't remember the time or the day, but I remember it was before that.

(Testimony of Janet Stoddard.)

Q. (By Mr. Eberle): You don't remember whether it was a few days before or whether it was on Saturday morning? A. No, I don't.

Q. These were the only two times he ever came down?

A. That is the only times I can think of.

Q. Now, the first time he came down, Mrs. Stoddard, didn't he at that time say, "Now, let's stop all this whispering and talk and go back to your booths and get to work"?

A. He did. That is the way I remember it.

Q. Did he say anything else at that time?

A. Well, that is the time I remember of him asking us why we didn't come to him.

Q. Yes. He said, "Why didn't you come to me?" and he said, "Get back to your booths and go to work"? A. Yes.

Q. Did he say anything else? [210]

A. I don't remember of him saying anything else.

Q. That was the only thing he said to you, as far as you remember? A. That is all.

Q. Now, I didn't get who went in your—it was your car that you used that Saturday?

A. Yes.

Q. It was you and Mrs. Monroe and your sister?

A. And Nina Cordell and Lena Panter.

Q. And Lena Panter. Now, did anybody else go, outside of your car?

A. I don't think so. I don't know.

(Testimony of Janet Stoddard.)

Q. When Mrs. Monroe went to call Mr. Lott then, did she come back to you, at the car?

A. We was in there. We was in the building.

Q. Oh, you went in the building?

A. Yes. We all went in.

Q. Then what did she say about Mr. Lott? What did he say? A. Well——

Q. (By Mr. Bruckner—interrupting): Were you speaking on the phone? A. She was.

Q. (By Mr. Eberle): What was said?

A. She told us that he said that we couldn't do anything until it came to a vote. [211]

Q. When Mr. Slayden came down that Saturday and said that if anybody wanted to go they could have his car, all you girls had already made up your minds to withdraw? A. I had.

Q. I beg pardon?

A. I had. And, as far as I am concerned, the girls that rode with me had.

Q. They made up their minds to withdraw prior to that time? A. Yes.

Q. You had discussed it that morning?

A. Well, I don't remember of discussing it, but I knew I had.

* * * * *

Q. (By Mr. Eberle): Well, now, Mrs. Stoddard, your desire to withdraw, as you say, you made up your mind, was that due to any promise or threat by Mr. Slayden? A. No.

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Q. (By Mr. Eberle): Did you ever talk to Mr.

(Testimony of Janet Stoddard.)

Slayden excepting on these two occasions?

A. That is the only time I remember of talking to him. When he came down.

Q. Did you ever talk to Mr. Talbot about any of these matters. A. Talbot? No. [212]

Q. And you made up your mind without any influence from anybody? A. I did.

* * * * *

Q. (By Mr. Eberle): Handing you the exhibit marked as 8-F, Mrs. Stoddard, I will ask you if that is your signature? A. Yes.

Q. Is the rest of the writing on there your handwriting? A. No.

Q. That is the only handwriting there that is yours?

A. (Witness shakes head affirmatively.)

Q. What? A. Yes.

Q. Who came to you and asked you to sign that? A. Ruthe Jensen. [213]

Q. Ruthe who?

A. Jensen, and Erma Herzinger.

Q. Ruthe Jensen and Erma Herzinger. And did you read it at the time?

A. I don't remember of reading it.

Q. What did they say to you?

A. Well, she asked me if I was going to or if I wasn't. Ruthe asked me that and Erma asked me that.

Q. (By Trial Examiner Bennett: What did you say? A. I hadn't made up my mind.

Q. (By Mr. Eberle): Then what happened?

(Testimony of Janet Stoddard.)

A. Well, they asked me some more.

Q. (By Trial Examiner Bennett): Did they leave the slip with you?

A. Erma left it with me about two or three hours before I signed it.

Q. (By Mr. Eberle): All right. Now, then, when they came back, didn't they tell you that if you didn't sign you would have to pay \$25 later on for initiation fee?

A. They didn't tell me that.

Q. They didn't tell you that. Well, didn't they tell you that everybody else had signed?

A. They did.

Q. And you were the last one?

A. They said they needed two more signers when they told me. [214]

Q. But everybody else in the plant had signed?

A. All men had signed, they said. I don't remember whether it was Ruthe or Erma that told me, but one of them did.

Q. What else did they say?

A. That is all I remember. They didn't tell me much of anything.

Q. Did they say anything about the matter going to a vote? A. The what?

Q. Did they say anything about it going to a vote, that this was to let it go to a vote?

A. Well, I heard it two different ways. I heard it once that when the majority signed those slips we was automatically in the union and then another

(Testimony of Janet Stoddard.)

time I heard that it had to go to a vote. And I don't remember who told me that.

Q. Now, isn't it a fact, Mrs. Stoddard, that the two times that Mr. Slayden talked and you heard him, he said it was entirely up to the employees whether they wanted to join the union or not?

A. He did.

Q. It was their choice to make, it would make no difference to him?

A. That is what he said.

Mr. Eberle: You may inquire.

Redirect Examination

Q. (By Mr. Bruckner): At the same time he made these statements [215] that it made no difference to him, didn't he also say that he didn't like the idea of the employees going behind his back, he didn't think it was right?

A. Well, I believe he said it at that time, asked us why we didn't come to him.

Q. And what did any of the employees say?

A. Nobody said anything.

Q. Now, you had signed the card—let me ask you this—you say you had decided to withdraw before Saturday, is that correct?

A. That is right.

Q. When did you decide to withdraw?

A. Well, right after I signed it. I didn't think it would benefit us by it, and that is the reason I waited so long.

Q. But you signed it on September 22?

(Testimony of Janet Stoddard.)

A. I signed it the day that they had their union meeting, that night.

Q. Yes, ma'am. And did you hear that Mr. Slayden knew who had signed the cards?

A. No. I don't remember that.

Q. Did you hear if Mr. Slayden knew——

Mr. Bruckner: Strike that.

Q. (By Mr. Bruckner): Did you hear that somebody had told Mr. Slayden who was at the union meeting? A. I heard it.

Q. When did you hear that? [216]

A. Well, I believe it was after he came down and asked us why we didn't come to him.

Q. (By Trial Examiner Bennett): That was the earlier talk, is that it? A. Yes.

Q. Did you hear who it was had told him?

A. I heard it was Bill Hoffman.

Q. (By Mr. Bruckner): Was that the day after you signed your card, do you remember?

A. No, I don't remember.

Q. Might it have been the day after you signed your card?

A. It could have been the day after or the day before, or the day before that. I don't remember when it was.

Q. The day before you signed it?

A. It could have been before or after.

* * * * *

Recross Examination

Q. (By Mr. Eberle): Mrs. Stoddard, I thought maybe I had better inquire—now, on this Saturday

(Testimony of Janet Stoddard.)

morning did Ruthe Jensen come down and tell you what Mr. Slayden had talked with her about, or any [217] conversation that she had had with him?

A. I didn't hear her.

Q. (By Trial Examiner Bennett): Do you recall her coming down on an earlier occasion and speaking to you girls about a talk she had with Mr. Slayden? A. I didn't hear her at all.

Q. (By Mr. Eberle): In other words, as far as you know, she didn't come down and talk to you?

A. As far as I know, I didn't hear her.

Q. You were there, weren't you, Saturday?

A. I was in the building, but I didn't hear anything.

Q. Were you down in your booth?

A. I don't remember just where I was. I don't know if I was in my booth or in where we had rest period. I don't remember just where I was.

Q. Do you remember the time you got back from the union hall, how near noon it was?

Mr. Bruckner: Got back where? She didn't return to the plant.

A. I didn't go back over there.

Q. (By Mr. Eberle): And you don't know what time it was, then, that you left the union hall?

A. I don't.

Q. How near noon would you say it was?

A. I thought it was around 11 o'clock or after. I don't [218] remember for sure.

Mr. Eberle: That is all.

Q. (By Trial Examiner Bennett): You said

(Testimony of Janet Stoddard.)

that you had heard that Bill Hoffman had told Mr. Slayden the names of those who had signed cards or attended the union meeting. Is that right?

A. That is right.

Q. Was there talk about that among the girls?

A. Well, I, all I remember of hearing is that he told——

Q. Where did you hear it?

A. Just down in the candling room. I don't remember who said it.

Q. One of the girls who worked with you?

A. I just heard it down in there. I suppose it was one of the girls. But, as far as I remember, that is where I heard it.

Q. (By Mr. Eberle): You have worked since '51, you say. Now, during those years have you worked at any time during the slack season when the girls didn't work on Saturdays?

A. I don't understand that, Mr. Eberle.

Q. Isn't the egg candling rather seasonal? You sometimes have a rush and then certain times of the year there isn't quite as much work?

A. Yes.

Q. Did you work during any of the periods when the business slacked off to a point where they didn't work on Saturdays?

A. I don't remember that, whether I worked on any Saturdays [219] or whether I didn't work on any Saturdays, at that time.

Mr. Bruckner: I have a question yet to ask.

(Testimony of Janet Stoddard.)

Further Redirect Examination

Q. (By Mr. Bruckner): As a matter of fact, Mrs. Stoddard, before you started getting your Saturdays off, isn't it true that your work period was six days a week, with five hours, or four hours, on Saturday?

A. I believe we was working seven hours a day at that time.

Mr. Bruckner: Yes, ma'am.

Q. (By Trial Examiner Bennett): Were you working five hours on Saturday?

A. Well, we was working from 7 in the morning until noon.

Q. (By Mr. Bruckner): That would be five hours, is that correct? A. I suppose.

Q. And what shift are you on now?

A. We work from 8 till 4:30.

Q. Do you work on Saturdays? A. No.

Q. Do you know how long this shift has been in operation, this 8 to 4:30?

A. I can't remember.

Q. Has it been in operation for the past two weeks? A. Yes.

Q. It's been in operation all during the month of September, [220] I mean of December, hasn't it, ma'am?

A. I think so. But I don't remember the exact, I don't remember how long.

Mr. Bruckner: That is all.

(Testimony of Janet Stoddard.)

Further Recross Examination

Q. (By Mr. Eberle): Did you work there in 1952?

A. No. I didn't. I worked in '51—'52, yes. I started in '52.

Q. '51?

A. I started in '51 and then I worked again in '52.

Q. Did you have Saturdays off in '52?

A. I don't remember of it.

Mr. Eberle: That is all.

Q. (By Trial Examiner Bennett): You say you don't remember of it? A. I don't.

Q. (By Mr. Eberle): Does that mean you worked on Saturdays or you don't know?

A. I don't know. [221]

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CARRIE MONROE

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Bruckner): Will you please give us your name and address, Mrs. Monroe?

A. Carrie Monroe, 697 Park Avenue.

Q. Mrs. Monroe, you are here because I served a subpoena upon you, directing you to appear here today, isn't that right? [222] A. I am.

(Testimony of Carrie Monroe.)

Q. How long have you worked for the company, Mrs. Monroe?

A. It will be 11 years the 15th of February, this coming February.

* * * * *

Q. (By Mr. Bruckner): You were working for the company on September 26, weren't you, that is, the Saturday that we are talking about?

A. I was.

Q. Do you remember Mr. Slayden coming down and speaking to several of the girls in the candling room?

A. He came down and asked us to please get to work because we were not doing our work.

Q. Yes, ma'am. And were the other girls there at the time, too? A. Yes, sir.

Q. Do you remember, do you recall, what else he said? [223] A. No.

Q. (By Trial Examiner Bennett): How long was he there? A. A very few minutes.

Q. What would your best recollection, your best estimate, be? A. Well, I couldn't say.

Q. You said a very few minutes. Does that mean two or three or more or what?

A. Well, it wasn't over five minutes at the most.

Q. (By Mr. Bruckner): Do you recall whether anything was said about withdrawing from the union if you wanted to?

A. He said we could if we wanted to and if we didn't it was up to us.

(Testimony of Carrie Monroe.)

Q. And can you tell me just how the subject came to be mentioned, what he said before that?

A. No, I can't.

Q. Do you recall whether anything was said before that? A. No.

Q. You don't recall? A. No.

Q. In any case, did you go down with Mrs. Stoddard in her car to withdraw? A. I did.

Q. Was Zina Jensen with you?

A. Yes, she was.

Q. And Nina Cordell? [224] A. Yes.

Q. And who was the other one?

A. Lena Panter.

Q. And about what time of the day was this?

A. I don't know.

Q. It was before noon, though, wasn't it?

A. Oh, yes.

Q. Could you give us an estimate of about how long before noon it was?

A. Well, I don't pay much attention to time. I just——

Q. Now, when you got down there you went down to the Labor Temple, the union hall?

A. I did.

Q. Was it open at the time?

A. No, not that office wasn't.

Q. So what did you do? Did you call anybody?

A. I called Mr. Lott.

Q. Mr. Clarence Lott? A. Yes.

Q. Did you speak to him? A. I did.

(Testimony of Carrie Monroe.)

Q. Now, tell me to the best of your recollection what he said to you and what you said to him.

A. I called him up and I told him I called him because we wanted to withdraw from the union and he said, "You are not in [225] the union until it comes to a vote."

* * * * *

Q. (By Mr. Bruckner): What did you do then?

A. Well, we left. I called Mr. Slayden and told him that the office was closed and that it would have to come to a vote.

Q. Did you speak to Mr. Slayden or Mrs. Jensen? A. I called to Mr. Slayden.

Q. Did you speak to Mrs. Jensen? Now, take your time. That is, Ruthe Jensen, did you speak to her? A. No, I didn't.

Q. (By Trial Examiner Bennett): After you spoke to Mr. Lott on the telephone you telephoned Mr. Slayden? A. I did.

Q. What was it, again, you told him?

A. That we couldn't withdraw until it went to a vote.

Q. What did he say?

A. He say, "All right."

Q. (By Mr. Bruckner): Do you recall what else may have been said during that conversation with Mr. Lott?

A. I think that is practically all that was said. To my knowledge, [226] it is.

Q. Do you recall anything being said about the authorization cards having been sent to the Na-

(Testimony of Carrie Monroe.)

tional Labor Relations Board with the petition?

A. No.

Q. You don't recall whether that was said?

A. No.

Q. Now, you say you spoke to Mr. Slayden. Did you ask for Mr. Slayden? A. I did.

Q. Who answered the phone, do you know?

A. I don't know.

Q. Did Mr. Slayden answer the phone?

A. No.

Q. In any case, whoever did answer the phone was told by you that you wanted to speak to Mr. Slayden? A. They were.

Q. (By Trial Examiner Bennett): Was this at the plant? A. Yes.

Q. (By Mr. Bruckner): And Mr. Slayden then picked up the phone and spoke to you?

A. Yes.

Q. What was it you told him then?

A. I told him we couldn't withdraw from the union until it came to a vote. [227]

Q. Did you then return to the plant?

A. No. I went home.

Q. Now, Mrs. Monroe, you signed an authorization card, didn't you? A. I did.

Q. Do you recall when you signed it?

A. Well, it was either just before the meeting or just after. I don't know for sure which.

Q. The meeting you are talking about is September 22, the September 22 meeting of the employees at the Labor Temple? Is that correct?

(Testimony of Carrie Monroe.)

A. Yes.

Q. I asked you if you signed an authorization card, but just to make sure that we understand what you mean I will show you a copy of an example, GC-7-A, and ask you if the card was similar to this card here?

A. No. It was a little, tiny card, just with the name on it, just a little slip (demonstrating).

Q. What did you understand that slip to be?

A. Well, the way I understood it, we was almost the same as in the union then.

Q. (By Trial Examiner Bennett): For whom did you sign it? Who asked you to sign it, if you remember?

A. I don't remember whether it was Ruthe Jensen or Erma Herzinger. I don't remember for sure which one. Maybe both of them. [228]

Q. (By Mr. Bruckner): What was the color of that slip, did you say?

A. I don't remember for sure, but it wasn't that large, I am sure. I don't think it was.

Q. Might it have been? A. (No response.)

Q. Would you just take your time and examine this again?

Mr. Eberle: I thought this was the one you lost. Were there two Carrie Monroes?

Mr. Bruckner: No.

Mr. Eberle: Have you got it now?

Mr. Bruckner: No. The witness is being shown a slip to refresh her recollection. Not the slip that was lost, of course.

(Testimony of Carrie Monroe.)

A. It doesn't seem to me that is the same kind of a slip that the other one was.

Q. (By Trial Examiner Bennett): You understood the slip to be one to show that you were in the union? A. Yes.

Q. And that is what you understood when you signed it? A. Yes.

Cross Examination

Q. (By Mr. Eberle): This slip that you signed was about the time of the meeting?

A. Well, it was in the neighborhood of that time, yes.

Q. And it was Ruthe and who else—I didn't catch the other name? A. Erma Herzinger.

Q. Herzinger? A. Yes.

Q. What did they say to you when they gave it to you?

A. They asked me if I wanted to join the union.

Q. (By Trial Examiner Bennett): What did you say?

A. Well, I wasn't very interested.

Q. (By Mr. Eberle): Did they say anything to you about they had enough, a majority, and they were all in, or something like that?

A. They said the majority had signed.

Q. Had signed. Did they say anything to you about having to pay 25 bucks later on if you didn't sign?

A. No, but I always understood when you joined a union you had to pay initiation fees.

(Testimony of Carrie Monroe.)

Mr. Bruckner: I move to strike, sir, everything from "I understood" on.

Mr. Eberle: It may be stricken.

Trial Examiner Bennett: I would just as soon it stayed in, but if counsel jointly want it out, it may be stricken.

Q. (By Mr. Eberle): When you went home that morning, how near noon was it, Mrs. Monroe?

A. I believe it was almost noon or was noon.

Q. Do you know whether you were paid up to noon that day? A. No, I don't.

Q. On prior occasions during the years you have worked there [230] have you finished your work sometime before noon on Saturdays?

A. Well, whenever we finish the lots of eggs, the lot of eggs, we are on, if we haven't time to do any more, why, we are through.

Q. Are you docked between that time and noon?

A. No, sir.

Q. You are never docked? A. No, sir.

Q. Now, that Saturday morning—see if I can get the sequence of it—Mr. Slayden came down twice?

A. I don't remember. I don't remember whether he came down twice or not.

Q. Well, he came down and you do remember his saying, "Now, get to work"?

A. Yes, I remember him requesting us to go to work.

Q. And "If you want to join the union, all right, and if you don't, it is all right with me"?

(Testimony of Carrie Monroe.)

A. Yes. I remember that.

Q. (By Trial Examiner Bennett): As I understand it, he told you to get to work, but then he started to speak to you, to you girls?

A. Well, I don't know.

Q. (By Mr. Eberle): Where did he stand? Did he stand in the door when he did this?

A. I don't remember.

Q. Kind of hard to remember, is that it? Now, following that [231] statement, did Ruthe Jensen come down and talk to the girls?

A. Not to my knowledge, she didn't. If she did, I didn't hear her.

Q. When Mr. Slayden talked to you that morning, when Mr. Slayden came down that morning and said about getting back to work, did he say anything about overtime? A. No.

Q. Or Saturday off?

A. No, not at that time.

Q. Or anything about the Christmas bonus?

A. No.

Q. Loss of existing holidays? A. No.

Q. (By Trial Examiner Bennett): You said he didn't say something about Saturdays off at that time. Did he say anything about Saturdays off at another time?

A. Well, after, I don't know, no, he never really has talked about Saturdays off. We had Saturdays off once before while I worked down there.

Q. (By Mr. Eberle): I am talking about this Saturday morning. Did he say anything about Sat-

(Testimony of Carrie Monroe.)

urdays off that Saturday morning? A. No.

Q. All right. Now, did he say anything about loss of existing holidays?

A. He did not. [232]

Q. Or Christmas bonus? A. No.

Q. Did he say anything about any other privileges or benefits that you might lose if the union was successful in coming into the plant?

A. No.

* * * * *

Q. (By Mr. Eberle): Now, did she ever tell you that she had a conversation with Mr. Slayden?

A. I knew she had a conversation with Mr. Slayden.

Q. I say, did she ever tell you?

Mr. Bruckner: May we have the witness complete her answer, please?

Q. (By Trial Examiner Bennett): You said you knew she had a conversation with Mr. Slayden?

A. Yes.

Q. (By Mr. Eberle): Did she ever tell you she had that conversation with Mr. Slayden? [233]

A. I don't remember.

Q. (By Trial Examiner Bennett): How did you know she had this conversation?

A. Well, it was common talk. Everyone was talking about it. Naturally you would know.

Q. (By Mr. Eberle): Was there a lot of talk about the union amongst the girls?

A. Quite a bit, yes.

Q. Later on that morning didn't he come down

(Testimony of Carrie Monroe.)

again and say, "Now, if any of you want to withdraw, you can have the car"?

* * * * *

A. I believe he did say he would furnish transportation if we wanted to come over and withdraw.

Q. (By Mr. Eberle): That was later in the morning, though?

Mr. Bruckner: I don't understand this "later in the morning", if the Examiner please. What does that refer to? I don't see any continuity on this.

Mr. Eberle: This is cross examination.

Mr. Bruckner: This is not cross examination, not when you ask questions that bear no relationship to anything——

Mr. Eberle: I am talking about Saturday morning.

Trial Examiner Bennett: She is giving the content of what he said and, as I understand the witness, she is somewhat uncertain [234] about whether it was later in the morning or whether there were one or two visits.

Q. (By Trial Examiner Bennett): You don't know whether he came down once or twice on that Saturday morning?

A. No, I don't remember whether he said it all the same time he was down there or whether he came down twice, I don't know.

Trial Examiner Bennett: To that extent, the reference to "later in the morning" does not reflect the witness' testimony. Let's have another question.

(Testimony of Carrie Monroe.)

Q. (By Mr. Eberle): Was the only car that left that morning to go to the union hall the car of Mrs. Stoddard?

A. The only one that I know of.

Q. And there were five of you in the car?

A. Yes.

Q. You said something about having had Saturdays off in prior years.

A. We had Saturdays off once before, yes.

Q. (By Trial Examiner Bennett): You mean one Saturday? A. No; several Saturdays.

Q. (By Mr. Eberle): That was in 1952?

A. As far as I remember.

Q. That was year before last?

Q. (By Trial Examiner Bennett): Is that correct? A. As near as I can remember.

Trial Examiner Bennett: We don't expect you to know everything. We are only interested in how much you do recall.

Q. (By Mr. Eberle): Now, when he came down to speak to you on Saturday morning, Mrs. Monroe, isn't it a fact that Mr. Slayden said to you, "No, it is up to you, whether you want to join the union or not"? A. That was up to us, yes.

Q. As far as he was concerned, it made no difference whether you joined it or not, whether you joined or didn't join it?

* * * * *

Trial Examiner Bennett: You may answer that. Did he say that on that Saturday? [236]

(Testimony of Carrie Monroe.)

A. He said it didn't make any difference whether we joined or not, that was up to us.

Q. (By Mr. Eberle): When did you decide to withdraw after signing up with the union?

A. I thought as long as all the rest of the girls had decided to withdraw, I thought I might as well, too. That is the way I thought about it. As far as joining the union, it didn't matter to me one way or the other.

Q. (By Trial Examiner Bennett): The question was, when did you decide to withdraw?

A. Well, right after I signed it. I wished I hadn't signed it then.

Q. (By Mr. Eberle): Your decision to withdraw, Mrs. Monroe, was that due to any threat or promise by Mr. Slayden or anyone on behalf of the company?

A. No.

* * * * *

Q. (By Mr. Eberle): Were you influenced——

A. (Interrupting): No, sir.

Q. (Continuing) ——at all in your decision by anything the company said or did?

Mr. Bruckner: I should like the record to show that the "no" was interposed after the first four words were asked.

Trial Examiner Bennett: The record may so show.

Mr. Eberle: Perhaps I had better ask the question over, [237] if the counsel objects to the answer.

(Testimony of Carrie Monroe.)

Will you read the question again to the witness?

Trial Examiner Bennett: All right. Read it back.

(Last two questions and intervening answer read.)

Mr. Eberle: Have you a "no" at the end of the question, too?

The Reporter: No, sir.

Trial Examiner Bennett: I believe she said "no" both at the end of the question and in the middle. The record may so indicate.

Q. (By Mr. Eberle): When you went over to the union hall on Saturday, Mrs. Monroe, were you sort of taking the lead on behalf of all of them to withdraw from the union? A. No.

Mr. Bruckner: Objection.

Trial Examiner Bennett: Sustained.

Q. (By Mr. Eberle): Were the girls all at that time expressing themselves in wanting to withdraw from the union?

Mr. Bruckner: Objection.

Trial Examiner Bennett: She may answer that.

A. They wanted, they all wanted to withdraw. I don't think there was any leader or anything like that. It was just a general idea that we wanted to go.

Q. (By Trial Examiner Bennett): This was on Saturday morning when you went to the union hall? [238] A. Yes.

Q. (By Mr. Eberle): And then you were going to report back to the other girls?

(Testimony of Carrie Monroe.)

A. I didn't say I would, no. I just did because I didn't see any reason for them going over there if the office was closed.

Mr. Eberle: That is all.

Redirect Examination

Q. (By Mr. Bruckner): Mrs. Monroe, this is the first time that you made an attempt to withdraw from the union, isn't it?

A. That is the first time I ever made an attempt to join or withdraw, either one.

Q. (By Trial Examiner Bennett): This Saturday morning?

A. I asked one of the girls if my slip had gone over and she said no, and if it hadn't been over I was going to ask her for it back. And it had gone, so there wasn't any use.

Q. When did you ask this girl that?

A. I don't remember the day.

Q. It was before Saturday, however?

A. Yes.

Q. How soon before Saturday or how many days before Saturday, if you can remember?

A. I don't remember.

Q. You don't remember. But, in any case, the first attempt, aside from the one you just told us, to withdraw your card was made Saturday? [239]

A. Well, you mean when I asked her, I was going to ask her for it back?

Q. No. Aside from that. A. Oh, yes.

Q. Saturday was the only time? A. Yes.

(Testimony of Carrie Monroe.)

Q. Mrs. Monroe, during any of these conversations or talks that Mr. Slayden made, do you recall him saying in words or effect that if things worked out right the employees could get Saturdays off?

A. Please repeat the question.

Trial Examiner Bennett: The reporter will read it back.

(Last question read.)

A. No.

Q. (By Mr. Bruckner): You don't remember him saying that? A. No, I don't.

Q. Well, you spoke to me, did you not, Mrs. Monroe, one night last week at the hotel, at the Bannock Hotel? A. Yes. I believe I did.

Q. And at that time, Mrs. Monroe, I asked you, did I not, about the talks that Mr. Slayden made?

A. I believe you did.

Q. Isn't that right, ma'am? A. Yes.

Q. And isn't it also true, Mrs. Monroe, that at that time you [240] told me, in answer to a question similar to the one I just asked you, that Mr. Slayden said, and I quote, "If things worked out right, the employees could get Saturdays off"?

Mr. Eberle: Just a moment. Is counsel trying to impeach his own witness?

Mr. Bruckner: I am refreshing the witness's recollection.

A. I might have.

Trial Examiner Bennett: If that is an objection, I will overrule it.

What was the answer?

(Testimony of Carrie Monroe.)

The Witness: I might have. I am not positive.

Mr. Eberle: I can't hear.

Trial Examiner Bennett: She said, "I might have. I am not positive."

Q. (By Mr. Bruckner): I will then ask you this, might Mr. Slayden have said that very thing in any of the talks he gave you?

A. He might have. I am not sure.

Q. He might have? A. I am not sure.

Q. In any case, what is your work shift now, Mrs. Monroe? A. From 8 to 4:30.

Q. Do you work on Saturdays? A. No.

Q. How long have you not been working on Saturdays? [241]

A. I don't remember the exact time we didn't.

Q. Yes, ma'am. Would you say, in relationship to this September 26, you know, this Saturday that we are all talking about, was it soon after that that it occurred? A. I believe it was.

Q. And before that time what was your work shift?

A. We worked from 8 until 4, seven hours a day and five hours on Saturday.

Q. (By Trial Examiner Bennett): And after that your hours changed from 8 to 4:30 five days a week?

A. Yes, and a half-hour lunch, and we used to have an hour.

Q. (By Mr. Eberle): You have a half-hour now instead of an hour? A. Yes.

* * * * *

CARRIE TOFANELLI

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows: [242]

Direct Examination

Q. (By Mr. Bruckner): What is your name and address, please?

A. Carrie Tofanelli, 635 West Sublet.

Q. That is in Pocatello, Idaho?

A. Yes.

Q. You are an employee of the Idaho Egg Company? A. Yes.

Q. How long have you been employed there?

A. Since September 1952.

Q. What is your job?

A. Candling eggs.

Q. Where do you work, Mrs. Tofanelli?

A. Pardon?

Q. What part of the building do you work in? The basement? A. The basement, yes.

Q. You signed an authorization card, did you not? A. Yes.

Q. For the union? A. Yes.

Q. I will show you 7-C, a GC Exhibit. Is that the card you signed? A. Yes.

Q. Mrs. Tofanelli, were you working at the plant on September 26, which is a Saturday, which was a Saturday, 1953? A. I think so.

Q. Do you remember any day on which Mr. Slayden came down and [243] spoke to the girls in the candling room? A. Yes.

(Testimony of Carrie Tofanelli.)

Q. Were you working that day? A. Yes.

Q. That was in September, September 26, on a Saturday? A. Yes.

Q. Now, about what time of the day was this, if you can remember?

A. Oh, about 10:30, I think.

Q. And what did he say?

A. Well, he told us to get to work.

Q. Yes? What else do you remember him saying?

A. Well, he told us, "If you want to join a union, O.K.; if you don't, O.K., too."

Q. And what else?

A. That is all I can remember.

Q. Do you remember him saying anything about withdrawing from the union?

A. Yes. He said if we wanted to go withdraw, we could, we can.

Q. Do you recall whether anything was said about furnishing transportation or a car?

A. I can't remember that.

Q. Do you recall whether anything was said about having Saturdays off?

A. No, I can't remember. [244]

Q. Do you recall speaking to me sometime last week at the Hotel Bannock? A. Yes.

Q. Do you recall my asking you just about the same questions I am asking you now?

A. Yes.

Q. And do you recall, when I asked you this question about whether Mr. Slayden had said that

(Testimony of Carrie Tofanelli.)

if you wanted Saturdays off you could have them, you said, "Yes, that is what he said"?

Mr. Eberle: We object to his question as an effort to impeach his own witness.

Mr. Bruckner: I think the question is proper.

Trial Examiner Bennett: I will overrule the objection.

Q. (By Mr. Bruckner): I did say that?

A. Yes.

Q. You did say that? A. Yes.

Q. Is that true, ma'am? A. Yes.

Q. I mean, Mr. Slayden said, he did say that, "You can have Saturdays off if you want them off"? A. Yes.

Q. Did you leave early that Saturday morning? Again, we are just talking about the same Saturday. Did you leave early?

A. Yes. It was about 11 o'clock, I think. I can't remember. [245]

Q. Where did you go? Did you go home?

A. Yes.

Q. Did you get paid for your time off?

A. I don't know.

Q. Was this usual for you to leave that early?

A. No.

Q. Who gave you permission to leave that early, ma'am? A. (No response.)

Q. Well, the other girls left early, too, did they not? A. Yes.

Q. How did that come about, that the girls left so early?

(Testimony of Carrie Tofanelli.)

A. Well, they was going down to the union to withdraw their cards.

Q. I see. Had Mr. Slayden or any other official of the company given his permission for them to leave early? A. Yes.

Q. When was this? A. I can't remember.

Q. (By Trial Examiner Bennett): Who was it? Was it Mr. Slayden or some other company official who gave the permission?

A. I think Mr. Slayden.

Q. (By Mr. Bruckner): When Mr. Slayden said that you could go down to the union and withdraw your authorization card, do you recall if he said that if you wanted to go down to the union and withdraw your authorization cards, you, the girls, could have [246] the time off to do so?

A. Yes.

Q. Is that what he said, now?

A. I think so. I can't remember.

Q. (By Mr. Eberle): What? A. I think so.

Q. (By Mr. Bruckner): Since you have been working with the company, when you started in September 1952 to work for the company did you work on Saturdays at that time? A. Yes.

Q. What was your shift? In other words, what hours did you work and what days?

A. Eight to four.

Q. And that was from Monday through Friday?

A. Yes.

Q. And what did you work Saturday?

A. Seven to twelve.

(Testimony of Carrie Tofanelli.)

Q. When did that shift change, if it did?

A. That I can't remember.

Q. Let me ask you this, do you recall whether it changed shortly after the Saturday, September 26, talk of Mr. Slayden's? A. I believe so.

Q. What is your shift now, ma'am?

A. From 8 to 4:30.

Q. Do you work on Saturdays? [247]

A. No.

Mr. Bruckner: That is all.

Cross Examination

Q. (By Mr. Eberle): Mrs. Tofanelli, is this the first time you have ever been a witness?

A. Yes.

Q. Well, there is nothing to be nervous about. Just talk up so I can hear you. Now, when did you start to work for the company?

A. September 1952.

Q. September 1952. On this Saturday, I believe you said that Mr. Slayden first came down and told them to get to work and, as far as the union was concerned, they could either join or not join, is that correct? A. Yes.

Q. Did he come down later on and make this other statement about if you wanted to withdraw from the union you could take the car, you could take the car if you wanted *with* withdraw from the union? Was that later in the morning?

A. I believe so.

Q. (By Trial Examiner Bennett): In other

(Testimony of Carrie Tofanelli.)

words, did he come down once or twice, if you know? A. I think so.

Q. Which is it?

A. I just can remember him coming down once.

Q. Did he speak to you on one occasion or two occasions?

A. I just remember him coming down once.

Q. You just remember him coming down once?

A. Yes.

* * * * *

Q. (By Mr. Eberle): Now, Mrs. Tofanelli, you said that you didn't recall that Mr. Slayden had made any statement about Saturdays when you first testified this morning, and then later you said that you thought you had told Mr. Bruckner the other day when he talked with you that he had. What is your present recollection? When he came down that Saturday morning did he say anything outside of the fact that you should stop visiting and get back to work and, as far as the union was concerned, you could join, or not? Did he say anything besides that that morning? [249] A. No.

Trial Examiner Bennett: Just a minute. Did the witness say something else? Had you finished your answer?

The Witness: Yes.

Q. (By Mr. Eberle): Were there a lot of rumors down there about what Mr. Slayden might do or might not do? A. (No response.)

Q. Did you discuss amongst yourselves about this union? A. Yes.

(Testimony of Carrie Tofanelli.)

Q. And what might happen? A. Yes.

Q. Well, now, when did you first decide to withdraw, Mrs. Tofanelli?

A. Well, when all the rest did.

Q. When all the rest of them did?

A. Yes.

Q. (By Trial Examiner Bennett): When was that?

A. Well, I don't know when that was. I can't remember.

Q. (By Mr. Eberle): Who asked you to sign the card? A. I think it was Erma.

Q. Erma Herzinger? A. Yes.

Q. And that, was that about the time of the meeting, before or after?

A. It was before. [250]

Q. Before the meeting. Now, what did he say——

Q. (By Trial Examiner Bennett—interrupting): Did you attend the meeting? A. Yes.

Q. (By Mr. Eberle): What did she say about the union when she asked you to sign?

A. Well, she asked me if I wouldn't sign. And I signed.

Q. (By Trial Examiner Bennett): Is that when you signed? A. Yes.

Q. (By Mr. Eberle): Did she tell you that they had all signed or anything like that?

A. I can't remember.

Q. Did she say anything about initiation fees?

A. I can't remember.

(Testimony of Carrie Tofanelli.)

Q. How long after you signed did you decide you didn't want in the union?

A. I can't remember that, either.

Q. Well, you decided when all the other girls decided to go out, is that it? A. Yes.

Q. Kind of a mutual decision? A. Yes.

Q. Well, let me put it this way, was there anything that Mr. Slayden said or did that influenced you at all in that decision?

Mr. Bruckner: Objection. [251]

Trial Examiner Bennett: I will take the answer.

A. No.

* * * * *

Redirect Examination

Q. (By Mr. Bruckner): You say that nothing Mr. Slayden did or the company did——

Mr. Bruckner: And the Examiner understands that by exploring this line I am not waiving my objection?

Trial Examiner Bennett: All right.

Q. (By Mr. Bruckner—continuing): ——you say that nothing the company did or Mr. Slayden did influenced you in making up your mind to withdraw, is that correct? Do you understand my question? A. No. Repeat it again.

Mr. Bruckner: Read the question.

(Last question read.)

A. Yes.

Q. You knew that Mr. Slayden had spoken to Mrs. Jensen, Mrs. Ruthe Jensen, didn't you?

A. Yes.

(Testimony of Carrie Tofanelli.)

Q. How did you know?

A. I knew she was up there talking to him.

Q. Didn't she come down and tell you and some of the other girls what Mr. Slayden said?

A. I can't remember.

Q. How did you know that she was up there talking to him? A. I heard——

* * * * *

Q. (By Mr. Eberle): The question is this, you said a little while back that you knew Mrs. Jensen was up talking to Mr. Slayden. A. Yes.

Q. (By Trial Examiner Bennett): The question now is how did you know that? Did somebody tell you or did Mrs. Jensen tell you or did you see it or what?

A. I think I heard it from the other girls.

Mr. Bruckner: Do you recall Mrs. Jensen——

Mr. Eberle: Heard what, rumors?

Trial Examiner Bennett: Read the answer.

(Last question and answer read.)

Q. (By Mr. Bruckner): Don't you recall, Mrs. Tofanelli, that Ruthe Jensen came down from Mr. Slayden's office and told you and, I believe, Mary Sladek, and a couple of other girls—— [253]

Mr. Eberle: We object to that as being improper redirect examination, endeavoring to cross-examine his own witness, leading and every other objection to it.

Trial Examiner Bennett: I will agree that the question is leading, but in view of the difficulties

(Testimony of Carrie Tofanelli.)

counsel is experiencing with the witness, I think it is not improper. I will overrule the objection.

Q. (By Mr. Bruckner—continuing): —about the conversation that she had with Mr. Slayden? Don't you recall that?

A. I can't remember.

Q. (By Trial Examiner Bennett): You don't remember whether she did or did not, is that it?

A. Yes.

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FRANCES SLEPICKA

a witness called by and on behalf of the General Counsel, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Bruckner): Will you state your name and address, [254] please?

A. Frances Slepicka. When Tofanelli was questioned, my name was wrong on one of those.

Q. You are also known as "Frances F. Sladek", S-l-a-d-e-k, is that correct? A. Yes.

Q. Is Slepicka your married name?

A. Yes.

Q. (By Trial Examiner Bennett): Sladek was your maiden name?

A. No. I was married before.

Q. Sladek was your former name and Slepicka is your present name? A. That is right.

Q. (By Mr. Bruckner): Did you give your address? A. 522 North Garfield.

(Testimony of Frances Slepicka.)

Trial Examiner Bennett: Off the record.

(Discussion off the record.)

Trial Examiner Bennett: On the record.

Q. (By Mr. Bruckner): You are an employee of Idaho Egg Producers, are you? A. Yes.

Q. When did you start working there?

A. September of '52.

Q. I will show you 8-C, GC Exhibit 8-C. Is that your signature (indicating)? [255]

A. That is right. That is right, when I signed that, that is when I signed that, that is what I signed.

* * * * *

Q. (By Mr. Bruckner): Do you remember September 26, 1953? A. I do.

Q. Anyway you were working at the company then, weren't you? A. Yes.

Q. And you were an egg candler? A. Yes.

Q. You are an egg candler? A. Yes.

Q. Is your job in the basement of the company?

A. Yes.

Q. Do you recall Mr. Slayden coming down and speaking to the girls that day?

A. Yes, I do.

Q. Do you recall what time of the day that was?

A. The first time he came down, about 8 o'clock.

Q. He was down twice? A. Yes.

Q. And this was 8 o'clock in the morning?

A. Oh, about like that. [256]

Q. What time does the workday start, 7?

A. On Saturdays, yes.

(Testimony of Frances Slepicka.)

Q. It did start at 7 o'clock? A. Yes.

Q. What did he say when he got down there at 8 o'clock in the morning?

A. Well, he caught us whispering and he told us to get in our booths and get to work and stay there.

Q. Did he say anything else?

A. Not at that time.

Q. Did he make another visit down there?

A. Yes.

Q. When? A. Well——

Q. About what time of the day was this?

A. Well, I would say about, it was after rest period.

Q. What time is rest period?

A. Quarter till 10.

Q. What time? A. Quarter till 10.

Q. Are you quite sure it was after rest period?

A. Well, around that time somewhere. [257]

* * * * *

Q. (By Mr. Bruckner): Mrs. Slepicka, what did he say when he came down the second time? What did he do and what did he say?

A. Well, in between that time that girl was called upstairs to talk to Mr. Slayden.

Q. Which girl? A. Ruthe Jensen.

Q. (By Trial Examiner Bennett): Jensen?

A. Yes.

Q. (By Mr. Bruckner): Did she return?

A. Yes.

Q. Did she say anything when she returned?

(Testimony of Frances Slepicka.)

A. Yes.

Q. What did she say?

A. She told us what was, the conversation they had, with Mr. Slayden up in the office.

Q. Do you recall what she said?

A. Well, not really all of it. I do recall about some machine that he can put in. And I recall about the union, it doesn't make him any difference if they join the union or if they withdraw, but he never was for the union and still isn't for [258] the union.

Q. Yes, ma'am.

A. And she stood there and spoke to all the girls. I heard it. I don't know if the rest of them did or not.

Q. (By Trial Examiner Bennett): Were the girls working when she spoke or did they stop and stand around her?

A. Well, we can't see exactly in each other's booths, but we all turned, I think.

Q. (By Mr. Bruckner): Was she crying at the time?

A. I have seen her cry so many times, I don't—

Q. Do you remember if she was crying then?

A. Well, her eyes were all red.

Q. Can you recall what else she said at that time, Mrs. Slepicka? A. Well, not exactly.

Q. Can you recall whether anything was said about Bill Hoffman at that time?

A. Well, I can't exactly say.

(Testimony of Frances Slepicka.)

Q. Had you heard anything at all about Bill Hoffman during that week? A. Yes.

Q. Do you recall from whom you heard it?

A. Just the conversation that was going on downstairs amongst the girls.

Q. What did you hear? [259]

* * * * *

A. Well, she said that Mr. Hoffman was supposed to have said what was going on at that union meeting, just who signed and who was there.

Q. (By Trial Examiner Bennett): You say, she said this?

A. Well, Ruthe Jensen told——

Q. Ruthe Jensen told you that?

A. Yes.

Q. When was that?

A. After she had come down from upstairs.

Q. (By Mr. Bruckner): When Mr. Slayden came down for the second time, after Ruthe Jensen returned, do you recall what he did and said then?

A. Well, he just said, "Those that want to go down and withdraw from the union can and those that don't want to"—it's all right with him—"and when you get done with what you are doing you can be excused for the rest of the day."

Q. What else do you recall him saying at that time, Mrs. Slepicka?

A. About some car being ready too, those that didn't have no [260] transportation to get there, for them.

Q. Do you recall him saying anything else at

(Testimony of Frances Slepicka.)

that time, Mrs. Slepicka? A. No.

Q. I will ask you if you recall anything being said at that time about giving Saturdays off.

A. Yes. He come to the car, I was waiting for the girl that I was going to ride with to the union meeting, to the building to withdraw our signatures, and he come to the car and said why didn't us girls come to him if we wanted Saturdays off.

Q. What other girls were in the car with you?

A. Thora Panter, Elizabeth Pharris.

Q. Up until that time had you had Saturdays off? A. As long as I worked there, no.

Q. Did you get Saturdays off after that?

A. Yes.

Q. Are you still getting Saturdays off?

A. Yes.

Q. Do you recall whether anything was said on that day—again, I am still talking about Saturday, September 26—do you recall whether anything was said about paying you up until 12 o'clock noon? A. No.

Q. Do you know if you did get paid up until 12 o'clock noon?

A. I don't really know. [261]

* * * * *

Cross Examination

Q. (By Mr. Eberle): Do you mind if I call you "Mrs. Sladek"?

A. It doesn't make any difference.

Q. Just a few questions. Did you sign after the meeting, the union meeting, or before?

(Testimony of Frances Slepicka.)

A. No; before.

Q. Who asked you to sign, Mrs. Sladek?

A. Well, there was a couple of the girls come to the house and they left me the slip and I told them I would think it over and I would bring it back to work in the morning, and I did.

Q. (By Trial Examiner Bennett): You brought it back signed in the morning?

A. Well, I brought the slip and then I signed it before I started to work in the morning.

Q. (By Mr. Eberle): What did they say to you when they asked you to sign?

A. They didn't really have much to say because I had joined the union when I was back where I come from.

Q. Who was it, Donna and Ruthe, that saw you?

A. And—there was three girls—and Mrs. Herzinger.

Q. Mrs. Herzinger and Ruthe Jensen and Donna Christenson?

A. And Donna, yes. [262]

Q. Did they say anything about initiation fees?

A. No.

Q. Did they say that the rest of them had all signed up?

A. No, I don't believe they did.

Q. Well, now, then, when Mr. Slayden came down first on Saturday morning, you were all whispering?

A. Yes, we were.

Q. Out of your booths?

A. Yes.

Q. And he said you were behind in your work?

A. Yes. He said that. And we were.

(Testimony of Frances Slepicka.)

Q. And you were? A. Yes.

Q. (By Trial Examiner Bennett): Was there a lot of work there that Saturday morning?

A. Well, I don't know if there was extra work or not, but there was Saturday's work to be done.

Q. (By Mr. Eberle): And he said get back to work and, as far as the union was concerned, it was up to you to make up your own minds what you wanted to do. A. Yes.

Q. You could join or not, as you wanted to?

A. Yes.

Q. Now, that was all he said at that time?

A. Well, I believe he said that the second time when he come down. [263]

Q. Yes, but I mean, he didn't say anything else the first time? A. No.

* * * * *

Q. (By Mr. Eberle): Well, now, then he came down the second time? A. That is right.

Q. And that was later in the morning, after your rest period? A. Yes.

Q. In the meantime do you know whether someone had told him that you all wanted to withdraw?

A. Told who?

Q. Told Mr. Slayden?

A. Not that I know of.

Q. He just came down and said if you wanted to withdraw, that the car would be available?

A. (No response.)

Q. Is that correct, Mrs. Sladek?

A. Well, I think so.

(Testimony of Frances Slepicka.)

Q. I beg your pardon?

Trial Examiner Bennett: She said, "I think so."

A. I think so.

Q. (By Mr. Eberle): Did you work there last year, in 1952?

A. I started in September of 1952.

Q. I see. But after September they didn't give Saturdays off? [264]

A. After——

Trial Examiner Bennett: Which September?

Q. (By Mr. Eberle): Did you start in '53 or '52?

A. '52.

Trial Examiner Bennett: She started in September '52.

Q. (By Mr. Eberle): After September '52 you didn't get Saturdays off?

A. No.

Q. You don't know what they did before that, in '52?

A. I do not.

Q. Did Ruthe Jensen tell you that Mr. Slayden had told her that if it was any advantage to the girls to have Saturdays off he would try to arrange it during the slack times, just as he had in 1952?

A. She didn't tell me personally, no.

Q. She didn't tell you that? And about these plans, did she tell you that if, in his conversation Mr. Slayden said that if wages got so high they couldn't afford to hire labor, they might have to use machinery?

A. That isn't the words she put it in.

Q. (By Trial Examiner Bennett): That is not, that isn't the words?

A. No.

Q. (By Mr. Eberle): You say, during the week

(Testimony of Frances Slepicka.)

you heard a lot of conversation, rumors, amongst the employees. Is that where [265] you heard some of these things that you have been mentioning?

A. What, for instance?

Q. Well, about Hoffman having told Mr. Slayden about who had signed? A. Yes.

Q. When Ruthe came down there you were all in your booths, weren't you? A. Yes.

Q. And you turned and heard her?

A. They was all down there. They should have all heard her.

Q. But you don't know whether they did or not?

A. I don't.

Q. (By Trial Examiner Bennett): You say they should have all heard her. What do you mean by that?

A. We all have our booths in the same room.

Q. You mean, she was speaking loudly enough for everyone to hear?

A. She came right down there.

Q. Was she speaking loudly enough for everyone to hear?

A. About as loud as she was supposed to talk, I guess.

Q. (By Mr. Eberle): A lot of the girls didn't hear, though?

Mr. Bruckner: Objection.

Trial Examiner Bennett: She may answer if she knows.

Do you know whether some of the girls did not hear her?

(Testimony of Frances Slepicka.)

A. I do not, I do not know. [266]

Q. By Mr. Eberle): Well, you heard them say they didn't hear her, didn't you? A. Yes.

Q. When did you decide to withdraw, Mrs. Sladek? A. About the last one.

Q. About the last one. And——

Q. (By Trial Examiner Bennett—interrupting): And when was that?

A. Just after they said they was all going to go up to withdraw, that he said we could have the rest of the day off.

Q. (By Mr. Eberle): In other words, the girls had all made up their minds to withdraw?

Mr. Bruckner: Objection.

Trial Examiner Bennett: Overruled.

You may answer this, if this is what they said. Do you understand the question? We are interested in what you heard said, not what was going on in the minds of the girls. If you heard them say something to that effect, you may tell us about it.

A. I don't know what I was asked. Would you repeat, please?

Q. (By Mr. Eberle): You say you were the last one. Did the girls all say they were going to withdraw, all of them? A. Yes.

Q. And you were the last one? A. Yes.

Q. And after all the rest of them said they were ready to withdraw?

A. I didn't say yes or no, but whatever they——

Q. Whatever they had decided they were going to do? A. Yes.

(Testimony of Frances Slepicka.)

Q. This conversation at the car, that was after you had already decided to withdraw?

A. Yes. Some of them had already gone in the car.

Q. That is the conversation that you testified to, about Mr. Slayden talking to you there at the car?

A. Yes.

Q. That was after you had all made up your minds to withdraw?

A. (Witness nods head affirmatively.)

Q. (By Trial Examiner Bennett): Is that right?

A. Yes. [268]

* * * * *

Mr. Bruckner: GC-9 is a typewritten page consisting of names, section, position and rating of employees. This GC-9 for identification also contains strike-outs and in the stipulation both counsel and I have agreed that the strike-outs are in fact strike-outs and the names of those not stricken out are employees who were working within the appropriate unit at the time that the company received the written request to bargain, namely September 24, 1953, and further that the two names added in ink are also to be considered among the employees within the appropriate unit, with the further provision that Azella Taylor—with the further provision that Velma Armstrong, an employee, may or may not be within the appropriate unit, depending upon testimony that will be adduced during the presentation of Respondent's case.

Would you so agree?

(Testimony of Frances Slepicka.)

Trial Examiner Bennett: Is her name on the exhibit? [269]

Mr. Bruckner: Her name is on the exhibit.

Mr. Eberle: So agreed.

Mr. Bruckner: With that agreement, I offer it.

Trial Examiner Bennett: There are five strikeouts?

Mr. Bruckner: And they are meant to be stricken out.

Trial Examiner Bennett: And there are two added on, who were meant to be added on?

Mr. Bruckner: Yes.

Trial Examiner Bennett: And the one conflict is with respect to Velma Armstrong?

Mr. Eberle: Correct.

Mr. Bruckner: That is right, sir. And we both agreed that any finding with respect to her should be made on the basis of evidence which will be adduced in the presentation of Respondent's case.

Trial Examiner Bennett: I count 27 names.

Mr. Bruckner: I believe that is correct. And that includes Velma Armstrong?

Trial Examiner Bennett: Including all, with the exception of the five stricken.

Mr. Bruckner: Yes.

Trial Examiner Bennett: Is that correct?

Mr. Eberle: That is correct.

Trial Examiner Bennett: Do the parties so stipulate?

Mr. Bruckner: So stipulated. [270]

Mr. Eberle: Yes.

Trial Examiner Bennett: So stipulated. * * * * *

CLARENCE LOTT

a witness called by and on behalf of the Examiner, having been previously sworn, was examined and testified further as follows:

Direct Examination

Q. (By Trial Examiner Bennett): I want to ask you about those two lost cards. I believe you identified them as Monroe and Cordell.

A. Yes. [271]

Q. I am particularly interested in the card of Cordell, and you might incorporate Monroe's card as well. Would you tell us the circumstances of their loss?

A. Well, I can't tell you what became of them. The cards were given to us in a, at two or three different times in an envelope and given to the girl to be filed and to check off the names that had signed on the list of employees that we had written down. We don't know whether it constituted all the employees, but on a list we checked the names——

Trial Examiner Bennett (interrupting): Perhaps if I interjected with a question——

Q. (By Trial Examiner Bennett): Were the cards of Cordell and Monroe included among those cards? A. Yes.

Q. You don't know what happened to them after that? A. No.

Q. They just mysteriously disappeared?

A. That is right.

(Testimony of Clarence Lott.)

Cross Examination

Q. (By Mr. Eberle): Do you know where Nina Cordell is now? A. No. No, I don't.

Q. Have you made any effort to find her?

A. No. [272]

* * * * *

ORA LENA PANTER

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. Will you state your name in full?

A. Ora Lena Panter.

Q. Mrs. Panter, are you under subpoena from the General Counsel? A. Yes, sir.

Q. Do you live in Pocatello?

A. Route 2 North, Pocatello.

Q. How long have you lived there?

A. About 11 years, I think.

Q. And you are employed by the Idaho Egg Producers? A. Yes, sir.

Q. And during which period have you been employed? A. What is that?

Q. Well, when did you start working there?

A. The 9th of September '48.

Q. And what do you do? [274]

A. I am a boxmaker and a cartoner.

Q. Now, Mrs. Panter, did you sign an authorization card for the local union involved herein?

A. Yes, sir.

(Testimony of Ora Lena Panter.)

Q. About when did you sign that card?

A. After the union, after it was dismissed.

Q. (By Trial Examiner Bennett): After what was dismissed? A. The union meeting.

Q. (By Mr. Eberle): You attended the union meeting? A. Yes, sir.

Q. That was about September 22?

A. Yes, sir.

Q. Of last year? A. Yes, sir.

Q. After the meeting, on Saturday—that would be about the 26th of September—it would be the 26th—Mrs. Panter, were you working when Mr. Slayden came down to talk to the girls?

A. Yes, I was working.

Q. About when was that, in the morning?

A. Well, it was before rest period, coffee time.

Q. Before rest period. Would you just state to us what he said at that time?

A. Well, he said there was too much whispering and talking and “Why don’t you all get in your booth and go to work?” and “If you want to join a union, that is all right with me.” [275]

Q. Have you stated the whole of what he said at that time? A. I think so, yes, sir.

Mr. Bruckner: I didn’t hear the answer.

The Reporter: “I think so, yes, sir.”

Q. (By Mr. Eberle): Was there any reference to hours or Saturdays or bonuses or anything else in what he said at that time?

A. Well, it was—does that mean what time

(Testimony of Ora Lena Panter.)

Q. Well, that is, when he came down Saturday morning and spoke to you.

A. Yes. That was around——

Q. By Trial Examiner Bennett): You were asked if he mentioned these other topics at that time.

A. No. I don't know. I can't remember.

Q. (By Mr. Eberle): What I am getting at, did he say anything beside what you first said, "Get back to work" and "If you want to join the union, it's all right", did he say anything else besides that? A. No, sir.

Q. Now, do you know whether he came down again later? A. No, I don't.

Q. Where were you? A. In the box room.

Q. (By Trial Examiner Bennett): Is that a separate room? A. Yes, sir.

Q. Does anyone else work there? [276]

A. Yes. I had a helper, Lyda Conlin.

Trial Examiner Bennett: Is this someone who should be listed on GC-9?

Mr. Eberle: It is on there listed as "Lydia Conley"?

Trial Examiner Bennett: "Lydia Conley"?

Mr. Eberle: Yes.

Q. (By Mr. Eberle): Was she there during this period of time? A. Yes.

Q. In the box room with you? A. Yes.

Q. State whether or not you heard Ruthe Jensen say anything that morning. A. No, sir.

Q. (By Trial Examiner Bennett): Tell me a

(Testimony of Ora Lena Panter.)

little about this room that you work in. You say, it is a separate room?

A. Yes, sir. It is upstairs.

Q. Where do the other girls work?

A. Downstairs.

Q. That is, in the basement? A. Yes, sir.

Q. Your room is on the first floor?

A. Yes, sir.

Q. And you and Conley work there?

A. Yes, sir.

Q. Does anyone else work in a separate room?

A. Well, the cartoners——

Q. The cartoners have a separate room?

A. Yes, sir.

Q. Where is that?

A. That is down in the basement.

Q. Most of the girls work together in the basement, is that right?

A. Yes, the candlerers do.

Q. (By Mr. Eberle): Candlerers work in a room separate from yours? A. Yes, sir.

Q. State whether or not you later changed your mind about joining the union.

* * * * *

A. Well, I went to Mr. Slayden the next day and said I was sorry I joined the union and he said I could withdraw if I wanted to.

Q. (By Trial Examiner Bennett): Next day after what? A. The union meeting.

Q. (By Mr. Eberle): Did he say you could either withdraw or stay in, as you wanted to?

(Testimony of Ora Lena Panter.)

A. Yes, sir.

Q. (By Trial Examiner Bennett): Did you speak to anyone connected with the union about it?

A. No, sir. [278]

Q. (By Mr. Eberle): Were you among the girls that were going to the union to withdraw on a Saturday, the 26th of September?

A. Yes, sir.

Q. But you made up your mind to withdraw the day after you had the meeting with the union?

A. Yes, sir.

Mr. Eberle: You may inquire.

Cross Examination

Q. (By Mr. Bruckner): Mrs. Panter, on Saturday, September 26, did you hear Slayden say anything about "If you girls want time off to withdraw, you can withdraw; if you need transportation, I will furnish it to you"? A. Yes.

Trial Examiner Bennett: May I have the question and answer read back?

(Last question and answer read.)

Trial Examiner Bennett: Next question.

Q. (By Mr. Bruckner): Do you recall anything, if anything else was said at that time?

A. No, sir.

Q. Let me ask you if you can recall anything being said about having Saturdays off?

A. No, sir.

Q. Were you working Saturdays up until then?

A. Yes. [279]

(Testimony of Ora Lena Panter.)

Q. Did you work Saturdays after that?

A. No, sir.

Q. Who informed you that you no longer had to work Saturdays after that?

A. Well, I happened to come in the candling room and that is what the girls told me.

Q. Did you hear Mr. Slayden say anything about going behind his back to sign up with the union?

A. What is that question, please?

Q. Did you hear Mr. Slayden say anything about going behind his back to sign up with the union?

A. Well, I just heard what the girls said.

Q. But you didn't hear Mr. Slayden say that?

A. No, sir.

Q. Did you hear Ruthe Jensen say that?

A. No, sir.

Q. Which girls did you hear say that?

A. I don't remember.

Q. Did you hear that Mr. Hoffman had told Mr. Slayden who had attended the union meeting?

A. No, sir.

Q. You didn't hear that at all?

A. Just the rumors. I——

Q. You heard such a rumor?

A. Yes, sir. [280]

Q. When was the first time you heard that rumor, ma'am? A. I don't remember.

Q. Was it before or after you told Mr. Slayden that you wanted to withdraw?

A. Oh, that was after.

(Testimony of Ora Lena Panter.)

Q. When did you tell Mr. Slayden you wanted to withdraw?

A. Right the next day after the union meeting.

Q. Was anybody present when you told him that, anybody else? A. No, sir.

Q. Where did you speak to him?

A. It was downstairs, I believe, I happened to meet him.

Q. What did he say when you told him about that?

A. He said I could withdraw if I wanted to.

Q. This would be on September 23?

A. Yes.

Mr. Bruckner: Just to make sure, let me see the card.

Q. (By Mr. Bruckner): I will show you GC Exhibit 7-A and ask you if this is yours or——

A. No. That is the other——

Q. You are the other Mrs. Panter, is that correct? A. Yes, sir.

Q. (Indicating) That is yours, showing you GC 7-G, that is yours, is it not?

A. That is mine.

Mr. Eberle: What is the date on that? [281]

Q. (By Mr. Bruckner): And the date on that is September 22, is that correct, ma'am?

A. I believe so, yes, sir.

Q. And that is the date that you signed, right after the meeting was dismissed?

A. Right after the meeting was dismissed.

(Testimony of Ora Lena Panter.)

Q. And you say it was the very next day that you approached Mr. Slayden and told him that you wanted to withdraw? A. Yes, sir.

Q. Did he say anything when you said that?

Mr. Eberle: She has answered that three times.

Mr. Bruckner: This is the second time.

Trial Examiner Bennett: I will take the answer.

A. He said if I wanted to withdraw I could.

Q. (By Mr. Bruckner): Did he ask anything about the union at that time? A. No, sir.

Q. Did he say anything about the union at all?

A. I don't remember.

Q. Did he show any surprise about the fact that you had joined a union?

A. Well, I don't remember.

Q. Did he ask you why you joined?

A. No, sir.

Q. Did you tell him why you joined?

A. No, I didn't. [282]

Q. Did you tell him you had signed a card?

A. No, I didn't.

Q. (By Trial Examiner Bennett): How did you happen to go to Mr. Slayden that day?

A. I just happened to meet him, just happened to run onto him.

Q. This was on the 23rd, the next day?

A. Yes.

Q. And you told him you had signed a card after the meeting the night before?

A. Yes, sir.

(Testimony of Ora Lena Panter.)

Q. Did you tell him you had signed it at the meeting the night before? A. Yes.

Q. And that you were sorry and you wanted to—— A. Withdraw.

Q. Was this on the morning of the 23rd?

A. Yes; it was nearly noon.

Q. Shortly before noon or shortly after noon?

A. Shortly before noon.

Q. (By Mr. Bruckner): Did you know how Mr. Slayden felt about the union at the time you told him you wanted to withdraw? A. Yes.

* * * * *

Q. (By Mr. Bruckner): Why did you go to Mr. Slayden to tell [283] him this?

A. I was sorry I signed it.

* * * * *

Q. (By Mr. Bruckner): Why is it that when you met Mr. Slayden in the hall you felt it necessary to tell him that you were sorry you had signed up with the union?

* * * * *

A. Well, I was never for a union, I was just sorry that I signed it.

Q. (By Trial Examiner Bennett): The question actually is, I think, how did you happen to speak to Mr. Slayden, rather than anybody else?

A. Well, I wanted him to know about it.

Q. (By Mr. Bruckner): Why did you want him to know about it? A. I don't know.

Mr. Eberle: Did you say you don't know? [284]

(Testimony of Ora Lena Panter.)

Trial Examiner Bennett: She said, "I don't know."

Mr. Eberle: That is the answer?

Q. (By Mr. Bruckner): Before that, before the meeting of September 22, had Mr. Slayden ever in any way mention about how he felt about the union?

Mr. Eberle: You mean, to her?

Mr. Bruckner: I am speaking to the witness.

A. No, sir.

Q. (By Mr. Bruckner): In your presence or to you? A. No, sir.

Q. Did you hear Mr. Slayden say anything about Christmas bonuses at any time during the week of September 20? A. No, sir.

Q. Did you hear Miss, or Mrs., Jensen say anything about that? A. No, sir.

Q. Did you hear any talk about the union at all?

A. Yes, but I didn't pay much attention to it.

Q. What did you hear? [285]

* * * * *

A. I don't remember.

Q. (By Mr. Bruckner): What do you remember about that? You heard that the union was being discussed, Mrs. Panter, didn't you?

A. I don't remember.

* * * * *

Mr. Bruckner: That is all.

Redirect Examination

Q. (By Mr. Eberle): Just one more question,

(Testimony of Ora Lena Panter.)

Mrs. Panter. Your room is separate and apart from the other rooms where they candle and do the cartoning? A. Yes, sir.

Q. You were one of the persons in the car, who went over to [286] the union hall?

A. Yes, sir.

Q. And with reference to this conversation that you mentioned with Mr. Slayden in connection with Saturdays, was that made at the time when you were in the car, either before you went or when you came back?

A. I don't quite understand that.

Q. When you testified to a statement about, with reference to, Saturdays, by Mr. Slayden——

A. Yes?

Q. Trying to place the time, state whether that was at the time when you were in the car there near the plant. A. I don't remember that.

Q. (By Trial Examiner Bennett): What was it he said about Saturday?

A. I don't remember that.

Q. (By Mr. Eberle): You don't remember anything he said about it? A. No.

Mr. Eberle: That is all.

Recross Examination

Q. (By Mr. Bruckner): You do remember, however, as I understand it, Mrs. Panter, that Slayden did say something about "If you girls want time off, you can withdraw and I will furnish transportation", you remember that, don't you?

(Testimony of Ora Lena Panter.)

Q. Where were you when he said that?

A. Well, he told me that.

Q. There was nobody else there?

A. No.

Q. When did he tell you that?

A. I don't remember the exact time.

Q. (By Trial Examiner Bennett): Were you at work or otherwise? A. Yes, at work.

Q. Was this on the day following your signing the card? A. I don't remember.

Q. The day following signing the card, which was on September 22?

A. I don't remember.

Q. (By Mr. Bruckner): On September 23, as I understand your testimony, you met Mr. Slayden in the hall and at that time you told him you were sorry you had joined the union and wanted to withdraw. Do you remember that? A. Yes.

Q. Did he at that time say, "I will furnish you transportation if you want to withdraw and give you time off"? A. No, not at that time.

Q. When did he say it?

A. That Saturday morning.

Q. Was anybody else with you there when he said it? A. No, sir. [288]

Q. Do you mean, he said it to you alone?

A. I was alone.

Q. (By Trial Examiner Bennett): Was Conley there? A. Yes.

Q. Was she there when he spoke?

A. Yes.

(Testimony of Ora Lena Panter.)

Q. (By Mr. Bruckner): Were you the only two in the boxing room? A. Yes, sir.

Q. Did he come into the boxing room to say that? A. I don't know.

Q. I see. Did he say anything before he made that statement? Did he make any remarks about the union? A. No, sir.

Q. Didn't he say something about "I can do as much for you as the union can" or words to that effect? A. No, sir.

Q. You mean, he just came in and made this one statement and left? A. Yes, sir.

Q. (By Trial Examiner Bennett): How long did he speak to you?

A. Oh, just a couple of minutes.

Q. (By Mr. Bruckner): Did you tell him you had transportation? A. Yes, sir.

Q. You did answer him, then?

A. Oh, yes. [289]

Q. Well, what did you say to him?

A. I had a way to go.

Q. Ma'am? What did you say?

A. I had a ride.

Q. Whom did you have a ride with?

A. Janet Stoddard.

Q. Did you know she was going down to the union hall? A. Yes.

Q. How did you know?

A. I don't remember.

Q. (By Trial Examiner Bennett): But at the time Mr. Slayden spoke to you on Saturday you

(Testimony of Ora Lena Panter.)

already knew that Janet Stoddard was going to the union hall? A. (No response.)

Q. If I follow your testimony correctly, that is what you said. A. I don't remember.

Mr. Bruckner: Is there an answer?

The Reporter: "I don't remember".

Q. (By Mr. Bruckner): Did Mrs. Conley say anything? A. No, sir.

Q. When did you leave your job? How soon after he left did you go down to the union hall?

A. I don't remember the exact time.

Q. Did he say when you could leave?

A. Well, I don't remember. [290]

Q. What did he say about when you could leave?

A. I don't know.

Q. Well, all I am trying to do, Mrs. Panter, is to find out what happened. In other words, as I understand it, he came into the boxing room and he spoke to you and Mrs. Conley and he offered you free transportation and time off if you wanted to go down to the union and withdraw. Is that correct, ma'am? A. Yes.

Q. You told him at that time that you had a ride with Janet Stoddard? A. Yes, sir.

Q. You don't remember how you knew you had a ride with Janet Stoddard, is that correct?

A. Well, I don't remember how that came about.

Q. You knew, though, at that time that Janet Stoddard was going to go down to the union hall in her car to withdraw? Is that correct, ma'am?

A. Yes, sir.

(Testimony of Ora Lena Panter.)

Q. But you don't remember how you found that out?

Mr. Eberle: She has said that four times now.

Trial Examiner Bennett: I think her testimony is quite specific that she doesn't know how she found that out.

Q. (By Mr. Bruckner): How soon after Mr. Slayden left you and Mrs. Conley did you leave your work? What were you doing at the time he spoke to you? [291] A. Making boxes.

Q. (By Trial Examiner Bennett): Did you continue making boxes after he left?

A. Yes, sir.

Q. Did you have a certain amount of work to finish?

A. Oh, just to finish whatever we had——

Q. Did you finish whatever you had to do?

A. Yes, sir, I did.

Q. And you then left? A. Yes, sir.

Q. (By Mr. Bruckner): Ordinarily, Mrs. Panter, when you were working on Saturdays what time did you leave the plant?

A. 12 o'clock.

Q. Were there ever any exceptions to this?

A. No, sir.

Mr. Bruckner: That is all.

Further Redirect Examination

Q. (By Mr. Eberle): By "exceptions", may I ask you, Mrs. Panter, were there times when you were working there that you finished before noon?

(Testimony of Ora Lena Panter.)

A. Yes, yes. [292]

* * * * *

Q. (By Mr. Eberle): Do you know anything about the girls deciding to withdraw prior to the time you arranged your ride? A. Yes.

Q. You are familiar with that?

A. I don't know.

Q. Well, did you hear any of the girls talking that morning about withdrawing?

A. Yes, I did.

Q. And was it after that that you arranged with Janet Stoddard for your ride? A. Yes.

Q. And then your conversation with Mr. Slayden was after that? A. (No response.)

Q. Well, you told him you already had a ride?

A. Yes.

Q. (By Trial Examiner Bennett): Did I understand you to just testify that you arranged your ride with Janet Stoddard? A. Yes.

Q. I thought you said before that you didn't know how you happened to go with Janet Stoddard, or you didn't know how you happened to have a ride with Janet Stoddard.

A. Well, I don't know how that——

Q. Could you clarify that for me?

A. I can't remember how that was. [293]

Q. You don't know whether you arranged it or not, is that it? A. I can't remember.

* * * * *

ZINA JENSEN

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Eberle): Mrs. Jensen, do you live in Pocatello?

A. I do. Either Alameda or Pocatello. I don't know. They have changed the district. It's either one. I live at 789 McKinley.

Q. How long have you lived here?

A. Four years.

Q. You are employed by the Idaho Egg Producers? A. Yes, sir.

Q. How long have you been employed?

A. September, or October, 2nd of '50.

Q. Do you remember signing an authorization card for the Local Union 983?

A. I signed it.

Q. About when was that?

A. That was the day after they had their meeting. [294]

Q. That was about the 23rd, then; if they had a meeting on the 22nd, it would be the next day.

Trial Examiner Bennett: This is not one of the cards we have in evidence?

The Witness: No. I withdrew mine within five minutes after I signed it.

Trial Examiner Bennett: I am anticipating. Proceed.

Q. (By Mr. Eberle): When they came to have it signed, who asked you? Mrs. Jensen?

(Testimony of Zina Jensen.)

A. Ruthe asked me once and Erma asked me.

Q. That is Ruthe Jensen and Erma Herzinger?

A. Yes, sir.

Q. What if anything did they say at that time?

* * * * * [295]

A. Erma came to me and she said, "Do you want to sign this for the union?" She said, "It is for your protection. Otherwise, if the union goes in, you will be fired. It is just for your own protection." That is the very words she told me, right in her booth.

Q. (By Mr. Eberle): You signed it, then?

A. I signed it, yes.

Q. Then what did you do?

A. I went back within five minutes and told her I wanted it back.

Q. (By Trial Examiner Bennett): Did she give it back to you? A. Yes.

Q. Did you have any trouble getting it back from her?

A. She said, "Why? Are you turning chicken-shit now?" And I said, "You can suit yourself as as why I want it back. I want nothing to do with it. Why I signed it in the first place, you can think what you want to." [296]

Q. Did she give it back to you?

A. She gave it back to me.

Q. (By Mr. Eberle): Were you down at the plant on Saturday, the 26th of September, when Mr. Slayden came down? A. I was.

Q. Were you working that morning?

(Testimony of Zina Jensen.)

A. I was.

Q. Do you remember what time—did Mr. Slayden come down once or twice that morning?

A. Once before coffee time and once after coffee time.

Q. Now, before coffee time—coffee time is when?

A. Quarter to 10.

Q. Quarter to 10. Before coffee time he came down. And what did he say?

A. He said, "We have got a lot of whispering and goings on here that I want stopped. We have got work to do. I want you to get in your places and go to work". He says. "It's immaterial to me; if you join the union, O. K., and if you don't join the union, O. K. Nobody is going to lose their jobs or be fired. It is up to you girls, but I want you to get to work."

Q. And were you out whispering around that morning?

A. We were.

Q. (By Trial Examiner Bennett): What do you do there?

A. I candle eggs.

Q. (By Mr. Eberle): So you went back to your booths? [297]

A. I was standing near my booth, my booth is the first one, right on the line as he comes in the door. I was standing there when he came in.

Q. What were they whispering about?

A. The union, whether, who was going to join, who was withdrawing. I think the whole feeling there that morning, everybody had decided to withdraw.

(Testimony of Zina Jensen.)

Mr. Bruckner: Objection. And I move to strike.

Trial Examiner Bennett: The answer may stand.

Q. (By Mr. Eberle): Did he say anything else the first time he was down excepting what you have just said? A. Not to my knowledge, no.

Q. Now, then, after that, do you know whether anyone went up after he had been down the first time and told him that you all wanted to withdraw?

Mr. Bruckner: Objection.

Trial Examiner Bennett: Sustained.

Q. (By Mr. Eberle): Or if you don't know, why?

Mr. Bruckner: Objection.

Trial Examiner Bennett: Sustained.

Q. (By Mr. Eberle): Well, the second time after he came down, after coffee time, what did he say then?

A. Well, if you would give me a chance to answer that first question——

Q. Go ahead. [298]

A. Ruthe went up and told him we had all decided to withdraw.

* * * * *

Q. (By Trial Examiner Bennett): As I understand it, Ruthe came back and spoke to you girls?

A. She never said to one person that I know of, she came back——

Q. You said that Ruthe came back and told——

A. I didn't say she came back. She went up and talked to Mr. Slayden.

(Testimony of Zina Jensen.)

Q. How do you know she went up and talked to Mr. Slayden?

A. She told me, she went up to tell him what us girls wanted, we wanted Saturdays off and we wanted more money.

Q. When did she tell you this?

A. That day.

Q. Before or after she went up?

A. After she came back.

Q. She came back from seeing Mr. Slayden, is that right? A. Yes.

Q. Tell us again what she said. [299]

A. She didn't say anything except she went up and told him that we wanted to withdraw and that we wanted, he asked her while she was there what he had done to her and she said, "Nothing. We decided we wanted more wages and Saturdays off."

Q. Anything else?

A. That is as far as I know what she told him.

Q. When was it she told you this?

A. After she came back from talking to him.

Q. Was that after the first time that Mr. Slayden spoke to you? A. Yes.

Trial Examiner Bennett: That is all I have.

Q. (By Mr. Eberle): Then she told you personally, is that it?

A. Well, if you got anything out of her, you had to go to her personally.

* * * * *

Q. (By Trial Examiner Bennett): Did you go to her personally and ask her?

(Testimony of Zina Jensen.)

A. I went to her personally and asked her. That is what she told me.

Q. How did you know?

A. She had been crying when she came back from upstairs and I went over and asked her, "What's the trouble, Ruthe?"

Q. And then she told you about it?

A. Yes. [300]

Q. (By Mr. Eberle): She said she told him you all wanted to withdraw?

A. (Witness nods head affirmatively.)

Mr. Bruckner: Was there an answer to that?

The Reporter: She just nodded.

The Witness: I said, "Yes."

Q. (By Mr. Eberle): What did Mr. Slayden say when he came down the second time?

A. "I understand you girls want to withdraw. If any of you want to go, my car is available. I will furnish the transportation."

Q. Did he say anything else?

A. That is as far as I know that he said anything.

Q. Did he furnish any transportation?

A. No, he didn't.

Q. Whose car was used?

A. Janet Stoddard's.

Q. Did you go? A. Yes.

Q. (By Trial Examiner Bennett): Did you go?

A. Yes. I was riding with her back and forth to work from home.

Mr. Eberle: That is all.

(Testimony of Zina Jensen.)

Cross Examination

Q. (By Mr. Bruckner): You had already withdrawn your card, hadn't you? A. Yes, I had.

Q. Why did you go with her?

A. Because I had to go home. I was riding with her.

Q. Did you receive permission to leave?

A. We did.

Q. Did you? A. I did.

Q. From whom? A. Mr. Slayden.

Q. When?

A. Oh, when he told us we could go home.

Q. Did he tell you personally that you could go?

A. No, he didn't.

Q. What did he say about your leaving?

A. He repeated the question to the whole group that was there. Anybody that wanted to withdraw could go withdraw, he would furnish the transportation.

Q. (By Trial Examiner Bennett): He didn't speak to you personally?

A. He didn't speak to me personally.

Q. But you went along with the other girls that wanted to withdraw? A. Yes.

Mr. Bruckner: You understand, Mr. Examiner, I am not [302] waiving my objection to this evidence by this questioning.

Trial Examiner Bennett: I understand.

Q. (By Mr. Bruckner): You signed a card authorizing the union to represent you. Was that on September 23? Is that right?

(Testimony of Zina Jensen.)

A. That was after their union meeting, whatever day that was. I don't know.

Q. The union meeting was in the evening of September 22. Now, when did you sign your card?

A. The next day, just before quitting time.

Q. What is it Erma told you at the time that you claim Erma told you?

A. She told me that it was for my protection; if I wanted to have protection, O. K., the union would protect me if I joined the union; otherwise I would be fired.

Q. Did she explain what she meant about "protection"? A. No, she didn't.

Q. Did she explain under what circumstances you would be fired? A. No, she didn't.

Q. Did she say anything about that if the union came in and you weren't a member you would be fired? Did she say that? A. No, she didn't.

Q. Did you understand what she meant by "being fired", under what circumstances you would be fired?

A. I wasn't worrying about how I would be fired.

Q. Then you weren't worried about how you would be fired when [303] you signed the card?

A. No.

Q. And the fact that she said that had nothing to do when you signed the card, with you signing the card? A. No.

Q. You signed it because you wanted to sign it?

A. I signed it, yes.

(Testimony of Zina Jensen.)

Q. You signed it of your own free will because you wanted to? A. Sure I did.

Q. And you withdrew?

A. Yes; I withdrew of my own free will, too.

Q. All right. Now, who was present when she said that? A. She was, her and I.

Q. Was anybody else there?

A. Her and I was present, in her booth.

Q. Was anybody else there? A. No.

Q. Ruthe Jensen wasn't there?

A. No. They were working there but they weren't in the booth while we were talking.

Q. Are you related to Ruthe Jensen?

A. I am not.

Q. When did Mr. Slayden say——

Mr. Bruckner: Strike that.

Q. (By Mr. Bruckner): Did you hear Mr. Slayden say anything [304] about getting Saturdays off? A. I did not.

Q. Do you recall whether he might have said anything about getting Saturdays off and you just don't remember it?

A. I didn't hear him say anything about Saturdays off.

Q. Did you get Saturdays off after that?

A. We had Saturdays off before that.

Q. When? A. In '52.

Q. You didn't have it in '53, though, did you?

A. Not previously to that time, no.

Q. When did you get it in '52?

(Testimony of Zina Jensen.)

A. I don't remember the time we got them off——

* * * * *

Q. (By Mr. Bruckner): Did you speak to anybody before you came here to testify?

A. No, I didn't.

Q. Did you speak to Mr. Slayden?

A. No, sir.

Q. Did you speak to the attorneys? [305]

A. No, sir. What do you mean? When did I speak to them?

Q. Ma'am?

A. What do you mean, when did I speak to them?

* * * * *

Q. (By Mr. Bruckner): About the occurrences the week of September 22, about what took place the week of September 22.

A. Not to my knowledge, no, I didn't speak to him.

Q. You didn't speak to him about that at all?

A. No.

Q. (By Trial Examiner Bennett): Did he speak to you about it?

A. Including the rest of the girls, he spoke to us all.

Q. (By Mr. Bruckner): When was this?

A. Saturday.

Q. (By Trial Examiner Bennett): This past Saturday?

(Testimony of Zina Jensen.)

Q. (By Mr. Bruckner): Which Saturday was this?

A. The Saturday you have been referring to, the Saturday he came down and told us.

Q. (By Trial Examiner Bennett): Just so there will be no misunderstanding [306] about it, he was asking you whether Mr. Slayden had spoken to you or you had spoken to Mr. Slayden within the last few days or the last week or so about all this matter.

A. Does that mean why he was giving advice to me, why I was against the union or for the union or——

Q. Has he discussed this whole subject matter with you or any part of it? A. No, he hasn't.

Q. (By Mr. Bruckner): Did any of these attorneys discuss this subject matter with you before today or today?

A. You mean, have they interviewed me before?

Q. Yes. A. Yes.

Q. Was Mr. Slayden present at that time?

A. No.

Q. Were any other employees present at that time? A. Janet Stoddard.

Q. Who else? A. No one else.

Q. Were you present when any other employees were interviewed? A. No.

Q. Were you at the company property last night at a meeting?

A. Yes, I was there last night. [307]

* * * * *

Q. (By Mr. Bruckner): If you don't under-

(Testimony of Zina Jensen.)

stand any of my questions, Mrs. Jensen, all you have to do is say so. You don't have to answer my questions if you don't understand them.

Now, Mrs. Jensen, my last question was this, as I understand your testimony, you said that you were interviewed regarding the subject matter of this case at one time at least in connection with, together with, Mrs. Stoddard. Is that right?

A. That is right.

Q. I am asking you if last night you weren't interviewed concerning the subject matter of this case together with many [308] other employees.

A. Yes, I was last night, yes.

Q. And there were many other employees there at the same time you were spoken to?

A. There were, yes.

Q. Is that correct? A. Yes.

Trial Examiner Bennett: Interviewed by whom, counsel?

Q. (By Mr. Bruckner): Interviewed by whom?

A. I don't know. I have been introduced, but I don't know their names (indicating).

Trial Examiner Bennett: Messrs. Eberle and Weston apparently.

Q. (By Mr. Bruckner): Was Ruthe Jensen in this group of girls? A. No, she wasn't.

Q. Was she there? A. She was there.

Q. Where was she?

A. In a different room.

* * * * *

(Testimony of Zina Jensen.)

Q. (By Mr. Bruckner): After you left was she still there?

A. I don't know if she left with us or whether she stayed. [309]

Q. Now, let's go to this Saturday of September 26. When was the first time that Mr. Slayden came down to talk? What time of the day was this?

A. Before 10 o'clock.

Q. And you were in the candling room at the time? A. At the time.

Q. Right near the door? A. Yes.

Q. And what did he say?

A. He said, "There's a lot of whispering going on here and we have got a lot of work to do. It's immaterial to me, either way you want to vote, for the union or against the union, but I want you to get to work."

Q. (By Trial Examiner Bennett): Was there a lot of work to do that morning?

A. Yes. At the time we had a lot of eggs to do.

Q. (By Mr. Bruckner): Yet you got off early that day, didn't you?

A. Well, we didn't have any more than we usually have on a Saturday or any other day, as far as that goes. We have a certain amount to do every day.

Q. If that is the case, you didn't have any more work that day than any other day? You didn't have too many eggs, is that correct?

A. We had our usual amount. [310]

Q. The usual amount. Did he say anything at

(Testimony of Zina Jensen.)

that time about going behind his back and signing up with the union?

A. There may have been something mentioned about that. I don't recall.

Q. There may have been something mentioned about it? A. Yes.

Q. What may have been mentioned about that?

A. I don't know.

Q. May there have been other things mentioned, too? A. I don't know.

Mr. Eberle: By whom?

Mr. Bruckner: We are talking about Mr. Slayden. It is very evident.

Mr. Eberle: I object to the question unless he says who made the statement.

Trial Examiner Bennett: You are being asked if Mr. Slayden may have mentioned other things that you don't now remember. The question has been amended.

A. No.

Q. (By Mr. Bruckner): There is one other thing that he may have mentioned that you don't recall, isn't that correct, this business about something possibly having been said about going behind his back to sign up with the union, that may have been mentioned? * * * * [311]

Q. (By Trial Examiner Bennett): It is right that that may have been mentioned by Mr. Slayden?

A. Yes.

Q. (By Mr. Bruckner): What else may have been mentioned by Mr. Slayden?

(Testimony of Zina Jensen.)

A. I don't know.

Q. May he have mentioned Saturdays off or having Saturdays off? A. Not that I know of.

Q. Would you say he did not say it?

A. Not when I heard it.

Q. (By Trial Examiner Bennett): What is your answer?

A. Not where I heard him say it, that we should have Saturdays off. I didn't hear him say anything about Saturdays. [312]

Q. (By Mr. Bruckner): Did he say anything about being able to deal with him instead of dealing with the union?

A. Not at that time, no.

Q. When did he say it?

A. I don't know whether he said it. I didn't hear him say it.

Q. How long did he stay down there during his first visit? A. About five minutes.

Q. And did the girls go back to their booths?

A. They did.

Q. What happened then?

A. As far as I know, they went to work candling eggs.

Q. It is my understanding that you said that Ruthe Jensen then went up to the office and spoke to Mr. Slayden. Is that correct?

A. That is what she said she did.

Q. Was any discussion held about withdrawing from the union after Slayden left?

A. It was before Slayden came down.

(Testimony of Zina Jensen.)

Q. There was discussion about withdrawing from the union before Slayden came down?

A. Yes.

Q. Are you quite sure of this, now?

A. I am sure of that.

Q. Who was discussing it?

A. The whole group.

Q. Do you recall anybody saying anything about it? [313]

A. I don't recall any person except a certain one.

Q. Can't you recall just one person saying anything about withdrawing?

A. You mean, you want me to tell you who I heard say they wanted to withdraw?

Q. That is exactly right.

A. Well, there is Nina Cordell, Janet Stoddard, Carrie Monroe and myself, of which I had already withdrew.

Q. What did Nina Cordell say?

A. I don't know what she said, but I know she was talking about withdrawing. She didn't want to sign in the first place, she said, and she was ready to go out and withdraw.

Q. What did Janet Stoddard say?

A. Along the same line.

Q. What did she say?

A. I don't know what she said.

Q. You don't know what she said? Who was the other one you named? A. Carrie Monroe.

Q. What did Carrie Monroe say?

(Testimony of Zina Jensen.)

A. Same thing.

Q. What did she say?

A. She was ready to withdraw, she didn't care what the rest of them did, she was out of it, she was ready to get out of it if she could. [314]

Q. And what happened then?

A. As far as I know, nothing.

Q. What happened when Mr. Slayden came down the second time?

A. He came down and told us that he had heard that we wanted to withdraw and, if so, the ones that wanted to go withdraw could go withdraw, he would furnish the transportation.

Q. (By Trial Examiner Bennett): Go with whom? A. If——

Q. Just go withdraw? A. Yes.

Q. (By Mr. Bruckner): The ones who wanted to go withdraw could go withdraw, he would furnish transportation? A. That is right.

Q. Well, you didn't have to withdraw from anything, did you?

A. No, I didn't go to withdraw. I was in the car because that is the only way I had to ride home.

Q. Did he say anything at that time about how he felt about the union?

A. Not that I know of.

Q. Did he say anything at that time about going behind his back to sign up with the union?

A. No, sir.

Q. Did he say anything at that time about having Saturdays off? A. No, sir. [315]

(Testimony of Zina Jensen.)

Q. Did he say anything at that time about if he had known that the employees wanted Saturdays off he could have arranged it or tried to arrange it?

A. No, sir.

Q. Did he ever say anything about that in your presence? A. No, sir.

Q. As far as you are concerned, he never said anything about any of these things, is that correct?

A. That is right.

Q. Did he say anything at that time about the employees being able to deal with him without the union? A. Not that I know of.

Q. Did he say anything at that time about being paid up until noon that Saturday, about your being paid up? A. Not that I know of.

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WILLIAM S. HOFFMAN

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Eberle): Will you state your name for the reporter?

A. William S. Hoffman. [316]

Q. Do you live in Pocatello?

A. Yes, I do.

Q. How long have you lived here?

A. Well, off and on since '41.

Q. '41?

(Testimony of William S. Hoffman.)

A. Yes. I have been in and out, in and out of Pocatello.

Q. Do you work for Idaho Egg Producers?

A. Yes, I do.

Q. What do you do?

A. Well, temporarily I am a truck driver, at the present time.

Q. How long have you worked for them?

A. Well, I worked for them two years ago for a little over three years and I have been with them since about the middle of August this time.

Q. Now, Mr. Hoffman, were you subpoenaed to appear here by the General Counsel?

A. Yes, I was.

Q. Did you sign an authorization card for this Local Union 983?

A. Yes, I did.

Q. When did you sign it?

A. Well, I don't remember the date. It was, I don't know whether it was the day before the meeting or two days before they held the meeting.

Q. It was before the meeting which was held on the 22nd?

A. That is right. [317]

Q. Did you attend the meeting?

A. Yes, I did.

Q. Subsequent to the meeting what did you do about getting out of the union?

A. You mean after the meeting?

Q. Yes.

A. Well, I talked to Mr. Slayden about it.

Q. And what did you tell him?

A. Well, I told him we had had this meeting, a

(Testimony of William S. Hoffman.)

meeting, and that when I saw the way things was going, why, I didn't like the setup.

Mr. Bruckner: When was this? Who was present, please?

Q. (By Trial Examiner Bennett): Will you tell us when it was?

A. Well, it was in between the meeting and when Mr. Slayden was notified. I don't know whether it was on a Wednesday night or Thursday night that I talked to him.

Q. (By Mr. Eberle): The meeting was on a Tuesday night, Mr. Hoffman. Did you talk to him on Wednesday or Thursday, then?

A. Well, I believe it was Wednesday, then, yes.

Q. (By Trial Examiner Bennett): You said something about Mr. Slayden being notified. What do you mean by that?

A. Well, I went and told him that we had had the meeting.

Mr. Bruckner: I can't hear that.

The Witness: I went and told him that we had had the meeting, and I had attended the meeting.

Q. (By Trial Examiner Bennett): You spoke to him twice, then, is that it?

A. No. I went to him after the meeting and told him that we had had the meeting.

Q. Let's get it in chronology. Were you at the meeting of the 22nd, Tuesday night?

A. Yes.

Q. When did you go to him and tell him of the meeting and that you had been there?

(Testimony of William S. Hoffman.)

A. Well, I am sure it was Wednesday night.

Q. The next night?

A. The following night from the meeting.

Q. (By Mr. Eberle): When you say about Mr. Slayden being notified, you have reference to the union writing him about their having the authority to——

A. Well, it was, I was told in the plant that he had received well, I don't know what you call it, notification of, or whatever it was from the union.

Q. From the union? A. Yes.

Q. (By Trial Examiner Bennett): How did you hear that?

A. I was told about it when I come to work.

Q. By co-workers or somebody else?

A. Co-workers, yes.

Q. (By Mr. Eberle): You started an answer that you told him [319] after you saw the setup—what?

A. Well, I couldn't go along with it, it wasn't, well, I don't know how to explain it, like I said at the meeting, I said I didn't want to bite the hand that fed me.

Q. You wanted out, then, the next day?

A. Well, I considered I would be——

* * * * *

Q. (By Mr. Eberle): Continue the conversation. What did you tell him about, now?

A. Well, I just told him that, what they had showed me and told me at the union meeting, that they were going at it and trying to take too much,

(Testimony of William S. Hoffman.)

what I mean is, ask too much, and I asked, they said if the union had the election and the union went in, why, they would draw up a council, or a committee rather, of four, three or four men, three or four women, and draw up a contract, which I voluntary asked them if the management could sit in on it as long as they all had to agree on it any-way.

Q. What did Mr. Slayden say to you then?

A. Well, he didn't say too much about it. He kind of felt bad that the employees had went and joined, went ahead, or seen [320] about joining the union. They hadn't joined it yet; they had put it up for an election, you might say.

Q. But he didn't say anything else?

A. No. No. Not that—well, I can't remember what words was used when I talked to him.

Q. Now, Mr. Hoffman, thereafter what, if anything, did you do about getting out a petition to withdraw?

A. Well, I don't know as I done much of anything about it. As far as, I wasn't on speaking terms with hardly any of the employees at the time afterwards, so I was just going to let things slide.

Q. Did you state that you would get out a petition and be the first signer? A. Yes.

Q. (By Trial Examiner Bennett): To whom?

A. Well, I talked to some of the employees about it. I talked to one of the employees and I told him that I didn't want to have nothing to do with it.

(Testimony of William S. Hoffman.)

And one of the other ones said he just didn't know what the deal was.

* * * * *

Q. (By Trial Examiner Bennett): What did you say about a petition?

A. Well, I don't know. I didn't say anything about it to speak of. What I mean is—— [321]

Q. (By Mr. Eberle): That you would be the first to sign?

* * * * *

Q. (By Trial Examiner Bennett): You said, or Mr. Eberle raised it to you and that is why I am interested, what did you say about circulating a petition?

A. I think I mentioned if there was one circulated I would be the first one to sign it.

Q. (By Mr. Eberle): You refer to a petition to withdraw from the union? A. Yes.

Mr. Eberle: You may inquire.

Q. (By Trial Examiner Bennett): Was the subject of a petition discussed between you and Mr. Slayden.

A. Not that I remember of. No. If it was, I don't recall it. Well, I was upset at the time. What I mean is I, well, I guess everybody was. And some of the things that was said, if they were said, I don't recall.

Q. (By Mr. Eberle): Fix the time. This was a day or two after the union meeting, either Wednesday or Thursday? [322]

(Testimony of William S. Hoffman.)

Q. (By Trial Examiner Bennett): That you spoke with the employees, if you know?

A. Well, it was in that week. I can say that. That is as much as I can say about it. It would be towards the end of the week.

Mr. Eberle: You may inquire.

Cross Examination

Q. (By Mr. Bruckner): You say that Mr. Slayden felt bad about the boys having joined up or signed cards, or the employees? A. Well—

Q. What made you think that Mr. Slayden felt badly about that? Did he say anything?

A. Well, he didn't come right out and mention anything. You talk to a person and you can figure things out. What I mean is, there was nothing—

Q. On what basis did you come to that conclusion? What did he say? Did he say how he felt about the union? A. No.

Q. Did he say he liked the union, that he would like to have the union in there, that it was a good thing?

A. He said he didn't know whether it would better them or whether it wouldn't.

Q. You signed your authorization card on September 21, 1953, isn't that right?

A. Whatever the date is there. I don't remember.

Q. I will show you the date on the card, I will show you the [323] card, GC-7-D. Is this your signature, sir (indicating)?

A. That is, yes, sir.

(Testimony of William S. Hoffman.)

Q. Is that the date on which you signed it?

A. Well, that would be the day before the meeting and the meeting was on Tuesday, it would be on Monday, yes.

Q. That is correct, September 21?

A. Yes.

Q. Did you make any attempt to withdraw your card or did you withdraw that card from the union?

A. No, I didn't.

Q. You did not? A. I did not.

Q. In spite of your talk with Mr. Slayden and all your other talk about a petition, you made no attempt at all to withdraw your card, is that correct?

A. No, I didn't. I didn't figure it would do any good.

Q. (By Trial Examiner Bennett): You said that you learned in the plant that a letter had been received by the company from the union. Is that correct? A. That is right.

Q. Was that before or after you spoke to Mr. Slayden? A. That was after.

Q. You spoke to Mr. Slayden before you learned about the letter coming in?

A. Before I found out that letter had come, yes. [324]

Q. You say you just spoke to him once, that one time, on Wednesday?

A. Well, I talked to Mr. Slayden, well, I have talked to him different times, and it's been, well——

Q. I mean in that week.

(Testimony of William S. Hoffman.)

A. I talked to him the morning of the, well, it must have been the morning, the morning after the letter was given to him. I believe, if I remember, recall, I was out of town the day that letter was delivered. I did talk to Mr. Slayden the next morning.

Q. The parties have agreed that the letter was received on Thursday morning. In relation to that, can you fix the time that you spoke to him? That would be Friday morning?

A. That would be Friday morning, yes.

Trial Examiner Bennett: That is all.

Mr. Bruckner: I have nothing further.

Redirect Examination

Q. (By Mr. Eberle): Have you been interviewed by Mr. Bruckner? A. Yes, I have.

Q. Anybody else from the N. L. R. B.?

A. Well, I gave a signed statement here some time ago.

Q. To Mr. Hilbun?

A. Well, I don't recall the name, his name.

Q. Have you got a copy of that?

A. No, I haven't. [325]

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RUSSELL W. GOING

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Eberle): Will you state your name for the reporter.

A. Russell W. Going, 404 East Carter.

Q. Do you live in Pocatello? A. Yes.

Q. And you work for Idaho Egg Producers?

A. Yes.

Q. Mr. Going, how long have you worked for them? A. Since September 8.

Q. September 8, 1953? A. Yes, sir.

Q. Now, Mr. Going, in September of last year were you a member of this Local 983?

A. Yes.

Q. And did someone come around with an authorization card? [326] A. Yes.

Q. Who was it?

A. Well, it was some girls. I wasn't familiar with their names.

Q. Are they girls sitting here by General Counsel? A. Yes.

Q. And what did they say about signing?

A. They wanted me to sign it because, they said, the biggest percentage of the other employees had signed it, either had signed it or said they would sign it.

Q. (By Trial Examiner Bennett): You then signed? A. Yes.

Q. (By Mr. Eberle): What, if anything, did

(Testimony Russell W. Going.)

you say about your already being a member of the union?

A. Well, I had—well, I can't remember who said it, but they said something about being fined if I didn't join the union there.

Q. If you didn't sign this card? A. Yes.

* * * * *

Q. (By Mr. Eberle): Do you remember the notice being posted [327] about an election?

A. I remember it was there.

Q. Was it taken down? A. Yes.

* * * * *

Q. (By Mr. Eberle): State whether or not anything was said or done with reference to withdrawing from the union by the men.

* * * * *

A. Well, we, as I recall, I don't remember much about, much of what was said about withdrawing, but I know I never thought, at the time I never thought much of it. I didn't particularly want to see the union go in there at the time.

* * * * *

Q. (By Trial Examiner Bennett): You were a member of the union all through this period, is that right?

A. Yes. I didn't quite understand it, just fully what the union would do, so I didn't, I was wanting to find out what more the union would do for you.

Trial Examiner Bennett: I don't know if I follow the [328] witness correctly, but I would like to have counsel straighten that out. I am under the impres-

(Testimony Russell W. Going.)

sion that he testified that he belonged to the union before this particular campaign started.

Mr. Eberle: That is what I understood, too. They told him if he didn't sign this card, he might be fined.

Q. (By Mr. Eberle): Is that about the substance of it?

A. Well, that is the understanding I had, that there was a chance of getting fined if I never signed it.

Q. (By Trial Examiner Bennett): Are you a member of the union still? A. Yes, or no.

Q. When did you leave the union?

A. Well, I never paid any more dues after that.

Q. After when?

A. After this, after that night, after that night of the union meeting.

Q. Was that the meeting around the 22nd of September? A. Yes.

Q. (By Mr. Eberle): What, if anything, did you do in concert with others relative to withdrawing from the union?

Mr. Bruckner: I have a standing objection to this line.

Trial Examiner Bennett: Yes.

Q. (By Mr. Eberle): I mean the men.

A. Well, I never, I just decided I would let it ride to see what would happen. [329]

Q. (By Trial Examiner Bennett): You decided to let it ride? A. Yes.

(Testimony Russell W. Going.)

Q. (By Mr. Eberle): And you paid no more dues? A. That is right.

Q. Was anything said about voting on this union matter?

A. Well, that is the understanding I had, that they were going to vote on it.

Mr. Bruckner: I move to strike. It is not fixed as to time, place or person.

Trial Examiner Bennett: Will you fix that?

Q. (By Mr. Eberle): Who told you that?

A. Well, there was a statement come out there, stating the day that they was going to hold a vote on it.

Q. (By Trial Examiner Bennett): A statement came out from whom?

A. From the union, it was posted.

Q. It was supposed to come out or it did come out? A. It did come out.

Q. When did this happen?

A. That was my understanding, that they had a day set to vote.

Q. To vote on what?

A. To vote on whether the employees wanted to go union or not.

Q. The employees of Idaho Egg?

A. Yes. [330]

* * * * *

Cross Examination

Q. (By Mr. Bruckner): As I understand your testimony concerning the circumstances of your signing the authorization card, you said, without

(Testimony Russell W. Going.)

being able to identify the people who said it to you, or the persons who said it to you, there was something said about a chance of being fined, is that correct, if you didn't sign? A. Yes.

Q. Do you know who said that?

A. Well, I think Bill Hoffman said——

Q. Bill Hoffman?

A. Yes. He said it first. And then there was one fellow there to see us about the union at my house and we asked him, but I never did get it straight.

Q. (By Trial Examiner Bennett): Was it Bill Hoffman who asked you to sign the card in the first place or was it somebody else?

A. It was girls.

Q. It was girls who asked you to sign, but it was Bill Hoffman who said you might get fined if you didn't sign, is that right? [331]

A. He said something about there might be a chance of it, but I never did get the straight of it.

Q. (By Mr. Bruckner): Was he the only one who mentioned the fact that there was a chance of being fined?

A. Well, there was a fellow who came with those girls, but I can't remember what was, I remember that it was mentioned but I can't remember what was said about it.

Q. (By Trial Examiner Bennett): You don't remember what he, what they, said about it?

A. I don't recall, I can't recall it.

Q. (By Mr. Bruckner): Does September 26 strike any chord with you? Do you remember that

(Testimony Russell W. Going.)

day? That was a Saturday. That was the day, if you can recall, that some of the girls attempted to withdraw from the union. Do you recall that?

A. I don't remember what was——

Q. O. K. What is your job?

A. I was driving truck then, temporarily.

Q. I see. On Saturdays have you been, were you, around the plant?

A. I was doing odd jobs around there, yes.

Q. Do you remember Mr. Slayden saying anything about giving time off to withdraw from the union? A. Not to me, never.

Q. Do you remember him saying that to anybody else?

A. I never heard him say that at all. [332]

Q. What was your shift before that time? What was your work shift?

A. What do you mean?

Q. Were you working on Saturdays before September 26? A. Yes.

Q. Working a six-day week, were you?

A. Yes.

Q. What was the time of your work during the week, from Monday through Friday? When did you report and when did you leave?

A. From 8 until 6.

Q. Eight to six? A. Yes.

Q. (By Trial Examiner Bennett): How about Saturdays?

A. On Saturdays it was from 8 until 5, with an hour at noon.

(Testimony Russell W. Going.)

Q. (By Mr. Bruckner): I see. Are you still working that same shift?

A. Well, I took off sick on November 12 and when I, last Saturday we got off at 1 o'clock, and that is all I know about it.

Q. (By Trial Examiner Bennett): You say you took sick November 12? A. Yes.

Q. How long were you sick?

A. Oh, I just started back to work a week ago last Wednesday.

Q. I see. Well, before you took sick were your working [333] hours changed? A. No.

Q. You took sick in November, didn't you?

A. Yes.

Q. Were your working hours changed any before that?

A. I don't recall them being changed.

Q. Are they the same now as they were before you took sick?

A. Well, we get off at 1 o'clock on Saturdays instead of 5.

Q. Now?

A. Yes. Last Saturday is the first time it was.

Q. (By Trial Examiner Bennett): Is that the first time you ever got off at 1 o'clock on Saturday?

A. That I can recall.

Q. (By Mr. Bruckner): Do you know if this is your present schedule, getting out at 1 o'clock from now on out? A. I don't know.

Q. Have you inquired of anybody if that is the case? A. I haven't inquired.

(Testimony Russell W. Going.)

Q. (By Trial Examiner Bennett): You hope that it is, however?

A. For my sake, yes. [334]

* * * * *

GENE ELLSWORTH

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Eberle): State your name to the reporter.

A. Gene Ellsworth, 748 Poole Street, Pocatello.

Q. Do you work for the Idaho Egg Producers?

A. Yes, sir.

Q. How long have you worked for them?

A. Two years in January, the 15th.

Q. What do you do? A. Truck driver.

Q. You are here under subpoena by the General Counsel? A. I was interviewed, yes, sir.

Q. Haven't you a subpoena? A. Yes, sir.

Q. You were subpoenaed by the General Counsel? A. Yes, sir.

Q. And also interviewed by him?

A. Yes, sir.

Q. Mr. Ellsworth, did you sign one of these cards we have been discussing here?

A. Well, I signed a little white slip of paper. However, I didn't know what it said when I signed it. [335]

Q. What were you told about it?

Trial Examiner Bennett: If anything.

(Testimony of Gene Ellsworth.)

Mr. Bruckner: May we have this fixed?

Q. (By Mr. Eberle): Well?

A. It was, I was told that it was for the employees to have a meeting with the union to discuss the benefits, if any, with the union.

Q. Do you know when that was signed?

A. It was signed two days before the union had the meeting.

Q. You didn't date it yourself?

A. No, sir.

Q. (By Trial Examiner Bennett): Who was it that told you this? A. Pardon?

Q. Who was it that told you what it was for?

A. Well, this is the first time I ever knew what it was for.

Q. No. You said somebody told you what that slip was for that you signed.

A. Mr. Bruckner.

Q. (By Mr. Eberle): Mr. Who?

A. Bruckner, Mr. Bruckner (indicating).

Trial Examiner Bennett: Pointing to the General Counsel.

Q. (By Mr. Eberle): He told you what it meant now, but what the Examiner wants to know is who told you at the time that you signed it.

Q. (By Trial Examiner Bennett): Did anybody tell you anything [336] then?

A. No. It was just, that was just the general talk around the plant, that we was going to have a, they wanted to hold a, meeting over there to discuss the benefits of the union.

(Testimony of Gene Ellsworth.)

Q. (By Mr. Eberle): Who brought the slip to you to sign, Mr. Ellsworth?

A. Well, it was being passed around at the plant there, but Mrs. Jensen brought the slips to me at that time.

Q. I see. Did she say anything about this being a meeting?

A. She said, "Would you like to sign a slip so we could have a meeting?"

Q. So you could have a meeting?

A. Yes, sir.

Q. When did you find out that it was more than just calling a meeting?

A. When Mr. Bruckner interviewed me at the Bannock Hotel.

* * * * *

Q. (By Mr. Eberle): What did you understand it was when you signed it? [337]

* * * * *

A. I understood it was just to have a meeting to discuss the benefits, if any, with the union among the employees.

Q. (By Trial Examiner Bennett): You said that Mrs. Jensen brought it to you?

A. Yes, sir.

Q. Did she leave it with you or what?

A. No, sir. I was loading my truck and I just signed it and she kept it.

Q. She kept it after you signed it?

A. Yes, sir.

* * * * *

(Testimony of Gene Ellsworth.)

Q. (By Mr. Eberle): What, if anything, did you do or say about [338] getting out later?

A. Well, the way I understood it, I wasn't in, I never knew I was in, so I didn't think I had to get out until I was subpoenaed.

Q. Then you found out?

A. I found out I was definitely in.

* * * * *

Q. (By Mr. Eberle): What, if anything, was said to you about an election?

Mr. Bruckner: Objection.—I will withdraw that.

A. About an election?

Q. (By Mr. Eberle): Was anything said to you about it? A. There was nothing said.

* * * * *

Cross Examination

Q. (By Mr. Bruckner): Gene, did Mr. Slayden ever speak to you about the union? [339]

A. No, sir.

Q. Let me ask you this, did he ever ask you how you felt about it?

A. No, sir. I told him how I felt about it.

Q. Isn't it a fact, Mr. Ellsworth, that when you spoke to me in the hotel room at the Bannock I asked you the same question and you answered me by saying, in words or effect, "Mr. Slayden asked me how I felt about it", and you answered, "I don't know", and he said, "I couldn't see where it would benefit you"? Do you remember that?

A. No, sir. If I said that, you must have misunderstood me.

(Testimony of Gene Ellsworth.)

Q. I misunderstood it?

A. You must have done so, if I said it.

Q. What did you say?

A. I said that when I heard about the union I talked to Mr. Slayden and told him my opinion about it and I asked him if he knew how the rest of them felt about it, which he told me no.

Q. (By Trial Examiner Bennett): When was it you spoke to Mr. Slayden with relation to the date of the meeting?

A. The date of the meeting?

Q. The meeting was Tuesday, September 22. Did you attend that meeting? A. No, sir.

Q. Well, with relation to the day you signed, which was September 21, I believe. [340]

A. I didn't, I never talked to him then.

Q. When did you speak to him, if you know?

A. Well, it was about the time that they had the, it was after they had the, meeting up on the board.

Q. (By Mr. Eberle): The notice of election?

A. Yes, sir.

Mr. Bruckner: I don't think it is particularly important, but I think the record ought to be clarified on this.

Q. (By Mr. Bruckner): Mr. Ellsworth, isn't it true that when we spoke, I mean, you and I spoke, about the authorization card you signed, in explaining it to you I read it to you exactly as it stands on the card, pointing out to you that you had designated the union, Teamsters 983, as the bargain-

(Testimony of Gene Ellsworth.)

ing agency for the purpose of collective bargaining and so forth and so on? Isn't that what I said to you?

A. I can't remember whether you read it to me or not.

Q. Do you remember my explaining that to you?

A. You explained, the understanding I got, it was an electoral vote, unless I took it wrong.

Q. Do you recall my saying that the procedure involved here was that the employees, or a certain number of employees, had signed these cards, these authorization cards, which in fact authorized the union to represent them, and that they had filed a request to bargain with the company and they had filed a petition with the Board, and I showed you the petition? [341]

A. Yes, sir.

Q. Do you remember that?

A. Yes, sir.

Q. And that thereafter both the company and the union had consented to a date for the election? Do you remember that? They agreed there would be an election?

A. I don't remember that.

Q. That there would be a vote?

A. I don't remember.

Q. Do you remember my saying anything about the vote?

A. No, sir.

Mr. Bruckner: That is all.

Trial Examiner Bennett: Anything further?

Redirect Examination

Q. (By Mr. Eberle): You told counsel that you

(Testimony of Gene Ellsworth.)

told Mr. Slayden what you thought about the union. What did you say?

Mr. Bruckner: Objection.

Mr. Eberle: Well, it is part of the cross-examination. I have a right to go into it.

Trial Examiner Bennett: He may answer. I am still not sure when he told this to Mr. Slayden, but——

Mr. Eberle: I would like to know.

Q. (By Mr. Eberle): What did you tell him?

A. I told him that since I had been studying up on it a little and understood the union, I couldn't see how it would [342] benefit us down there and that I hoped that the rest of them felt the same way.

Q. (By Trial Examiner Bennett): You told him this, if I recall your previous answer, around the time that the thing was posted on the bulletin board?

A. It was after the time, yes.

Q. After it was posted on the board?

A. Yes.

* * * * *

HORATIO C. TALBOT

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Weston): Do you live in Pocatello?

A. Yes, sir. [343]

(Testimony of Horatio C. Talbot.)

Q. You are working for the Idaho Egg Producers? A. Yes, sir.

Q. How long have you been working for them?

A. I think 10 years this June.

Q. What is your position there?

A. Foreman.

Q. (By Trial Examiner Bennett): You are Horatio Talbot? A. Yes, sir.

Q. (By Mr. Weston): How long have you been foreman?

A. I would say maybe seven years.

Q. Will you just tell us briefly your duties as a foreman, particularize as to who you supervise?

A. Well, mostly the men. I don't have anything to do with the women.

Q. (By Trial Examiner Bennett): How many men do you supervise?

A. It must be about 10 or 12 men, I guess.

Q. (By Mr. Weston): So you have 10 or 12 men working under you?

A. I imagine there is that many.

Q. Do you have anything to do with the egg candler in the basement?

A. I don't have anything to do with the egg candler.

Q. You of course heard about this campaign to organize employees into the union?

A. Yes, sir. [344]

Q. When did you first hear about it?

* * * * *

(Testimony of Horatio C. Talbot.)

A. About two days before they had their meeting.

Q. (By Mr. Weston): The meeting was on Tuesday, the 22nd of September? A. Yes.

Q. You are talking about the union meeting?

A. It was on Tuesday, it was on Tuesday that I heard about it.

Q. On Tuesday that you heard about it?

A. And the following week, I imagine, the union meeting was the following week. I heard about it on a Tuesday and I imagine the meeting was the following Tuesday. I don't know what [345] day it was on.

Q. Who first spoke to you about it?

A. Bill Hoffman.

Q. What did he say?

A. Well, he just wanted to know if I would join the union. He said there was, well, he started out, he said, "We are going to have a big blowup at the plant." And I couldn't figure what he was talking about. And then I said, "What do you mean?" And he said, "Well, they are going to have a union down there and", he said, "the lid is going to blow off."

* * * * *

Q. (By Mr. Weston): That was sometime before the union meeting?

A. Yes, sir. I think it was just a week.

Q. Did they ever ask you to join?

A. Yes, sir.

Mr. Bruckner: Who?

(Testimony of Horatio C. Talbot.)

The Witness: Bill Hoffman.

Mr. Bruckner: I asked who?

Trial Examiner Bennett: Mr. Bruckner said, "Who?" and the witness said, "Bill Hoffman."

Q. (By Mr. Weston): When did they ask you to join with relation to the union meeting, before or after? A. Before. [346]

Q. After the union meeting did you have a further conversation with Mr. Hoffman?

A. Yes.

Q. What was that conversation?

A. Well, I told him what I thought of him for rattin' on the guys. I told him I thought he was pretty small for being the big push and then turning around and ratting on the rest.

Q. (By Trial Examiner Bennett): What do you mean by "ratting on the rest"?

A. Well, I can't figure it myself. He was the guy that kept pushing it and then he was the first one to go against them and squeal.

Q. (By Mr. Weston): Do you mean, he reported the union meeting to the employer?

A. That is right.

Q. And that is what you mean by "ratting"?

A. That is right.

Q. Was that the day after the union meeting?

A. That is right.

Q. Which day would that be, Wednesday the 22nd?

A. Well, I am not sure of the dates, but it was the day after the union meeting.

(Testimony of Horatio C. Talbot.)

Trial Examiner Bennett: Wednesday would be the 23rd, I believe.

Q. (By Mr. Weston): It would be Wednesday, the 23rd? A. (No response.)

Q. (By Trial Examiner Bennett): How did you know that he had, as you put it, ratted?

A. Well, that kind of stuff don't stay covered up very long.

Q. From whom did you learn it?

A. Well, I heard it from Slayden.

Q. (By Mr. Weston): Did Mr. Hoffman say anything to you at that time about the men or about himself withdrawing from the union?

A. Well, I kind of bawled him out and he wanted, he said, "Well, I will tell you", he said, "I will get up a petition if you will sign it." And I told him I hadn't signed to get in and I wasn't signing nothing with him.

Q. Did he say anything about whether he would sign the petition or not?

A. Oh, yes. He wanted to sign it first if I would sign it.

Q. To get out?

A. Yes, that is what he was wanted to sign it for, to get out. [348]

* * * * *

Q. (By Trial Examiner Bennett): Are you directly under Mr. Slayden? A. Yes, sir.

Q. (By Mr. Weston): Now, on or about that time, or specifically first, did any of the other men

(Testimony of Horatio C. Talbot.)

employees say anything to you that same day about withdrawing?

* * * * *

A. Well, I can't say they did say anything personally. We were all there unloading the truck and it was just talked and they were all talking to get out after that. Nobody wanted to back it up.

Q. (By Mr. Weston): Was the general topic of conversation among all the men employees there the question of getting out of the union?

A. There was about four or five of us at the time.

Q. Could you tell us who was there? [349]

A. Well, there was Russell Going, Bernard Godfrey, myself, Frank McKnapp, and I believe we was unloading Montague's truck at the time.

Q. Did he engage in the conversation, too?

A. No, I don't think he was. He was still in the office getting his papers out.

Q. Was that the time when Mr. Hoffman volunteered to circulate a petition?

A. That is right.

Q. Did any of the others express themselves as to whether they did or didn't want to get out of the union?

* * * * *

A. I can't say that they did. I don't really know whether they said anything about it right at the time or not.

Q. (By Mr. Weston): Was a notice posted on

(Testimony of Horatio C. Talbot.)

the premises down there with reference to an election? A. Yes, sir.

Q. Was that notice taken down or changed?

A. It was taken down. I think it was up about four days.

Trial Examiner Bennett: Does the record indicate the date of this posting?

Mr. Bruckner: As far as I can recall, it does not. [350]

* * * * *

Trial Examiner Bennett: As I understand, you are in agreement that the notices left Seattle on or about October 26 and were received by Respondent in the normal course of the mail and were posted almost immediately thereafter.

Mr. Bruckner: So stipulated.

Mr. Eberle: So stipulated.

Trial Examiner Bennett: Al right.

Q. (By Mr. Weston): I believe you testified that this notice was taken down. A. Yes, sir.

Q. Was there some discussion among the employees at the time it was taken down with reference to that? A. Yes. [351]

* * * * *

Q. (By Mr. Weston): There was some discussion among the employees with reference to taking this notice down, was there not? A. Yes.

Q. Did you hear that discussion?

A. Yes. I was in it. [352]

* * * * *

Q. (By Mr. Weston): Mr. Talbot, will you now

(Testimony of Horatio C. Talbot.)

tell us what anyone said to you on that occasion with reference to taking this notice of election down?

A. Well, I can't exactly tell you what anyone said. We was [353] just talking about it, and I know what I said. I said, "I think it ought to go to a vote." And that seemed to be the agreement of everybody in the gang at the time.

Q. (By Trial Examiner Bennett): The male workers? A. Yes.

Q. (By Mr. Weston): Can you tell us who was there at that time?

A. Well, it was talked so many times, I guess everybody in the plant heard it.

Q. (By Trial Examiner Bennett): Was Bill Hoffman in that group?

A. No, I don't think he was. He was out on the truck at the time.

Q. How about Russell Going?

A. I believe he was there.

Q. Was he among those that wanted it to go to a vote? A. Yes, sir.

Q. How about Gene Ellsworth?

A. I don't think he was there. He was on a truck that day. Godfrey was there, and McKnapp.

Q. Were they among those who wanted it to go to a vote? A. Yes, sir.

Q. (By Mr. Weston): Was Going there?

A. Yes, sir.

(Testimony of Horatio C. Talbot.)

Cross Examination

Q. (By Mr. Bruckner): I am a little confused about the talks you had at first with Bill Hoffman. As I recall your testimony, [354] you said something about speaking to him on one Tuesday and then a week later. A. Well, the——

Q. Could you straighten that out for me, please?

A. Yes. On a Tuesday I took him to Lava to show him an egg route.

Q. Do you know what date that was?

A. No, I don't.

Q. Was that before or after the union meeting?

A. That was before, that was a week before the union meeting.

Q. That was September 15, around in there?

A. I imagine somewhere around in there.

Q. What did he say at that time?

A. He told me they was going to have a blowup down there.

Q. Did he say that——

A. (Interrupting) That they were going to join the union.

Q. Are you sure, Mr. Talbot, that if this was told you it wasn't told you after the meeting?

A. No, sir.

Q. Not——

A. (Interrupting) It was told me previous to the meeting.

Q. Are you sure it wasn't the same week, then, about a day or so before, or the day before?

A. Well, I will tell you, if the union meeting

(Testimony of Horatio C. Talbot.)

was on Tuesday, it had to be on Tuesday because that is the day we go to [355] Lava.

Q. It might have been the same day?

A. It was one week later.

Q. (By Trial Examiner Bennett): Is it possible that it was the same Tuesday?

A. No. It was one week later.

Q. (By Mr. Bruckner): Did he tell you at that time that there was going to be a meeting the next week?

A. No, I don't believe he did.

Q. Well, what was the second time he spoke to you?

A. I don't think there was any second time. We talked about it afterwards. It was talked every day for a week. But I don't think he talked to me personally about it after that, because I told him I didn't want to join.

Q. (By Mr. Eberle): You what?

A. Told him I didn't want to join.

Q. (By Mr. Bruckner): Did he give you an authorization card?

A. No.

Q. Did he show you one?

A. No.

Q. When is the next time——

Mr. Bruckner: Strike that.

Q. (By Mr. Bruckner): When did this talk about the circulation of a petition come up? How soon after the meeting?

A. (No response.) [356]

Q. The meeting, as you remember, was on Tuesday, September 22. What I am asking you is, with

(Testimony of Horatio C. Talbot.)

relation to that day when did this discussion of the circulation of the petition come up?

A. To quit?

Q. Yes.

A. And you say that was on a Tuesday, to have the——

Q. Yes, sir. The meeting was on a Tuesday evening.

A. Well, it was on a Wednesday morning, then.

Q. Wednesday morning? A. Yes.

Q. Had Mr. Hoffman told you before that that that he had spoken to Mr. Slayden? A. No.

Q. Had Mr. Slayden told you that Mr. Hoffman had spoken to him? A. No.

Q. When did Mr. Slayden tell you that Hoffman spoke to him? A. That morning.

Q. That same morning?

A. That same morning.

Q. Did he tell you, did Mr. Slayden tell you, that Hoffman had spoken to him the evening before?

A. That Hoffman had spoken to him the evening before?

Q. Yes. A. No. [357]

Q. Did he tell you when he had spoken to him? In other words, did Mr. Slayden tell you when Hoffman spoke to him? Am I confusing you?

A. He came to him between Tuesday night and Wednesday morning, but what time I couldn't say. It was between Wednesday night and——

Q. (Interrupting) Tuesday night?

(Testimony of Horatio C. Talbot.)

A. Tuesday night and Wednesday morning.

Q. That is what I was trying to get.

A. That is right.

Q. And it was certainly before the discussion of the circulation of a petition?

A. To get out, yes.

Q. Is that right? A. Yes.

Mr. Bruckner: That is all.

Redirect Examination

Q. (By Mr. Weston): Did you report back to Mr. Slayden? Did you report back to Mr. Slayden about talking to Mr. Hoffman at all?

A. No, I don't believe I did.

Q. This question of the circulation of a petition, was that mentioned to you by Mr. Hoffman after you had told him what you thought of him?

A. That is right. [358]

Q. And at the same time, I mean the same conversation? A. Yes.

* * * * *

VELMA ARMSTRONG

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Eberle): Can you state your name, now, to the reporter? A. Velma Armstrong.

Q. Do you live in Pocatello?

A. Yes, I do.

(Testimony of Velma Armstrong.)

Q. Are you employed by the Idaho Egg Producers? A. Yes, sir.

Q. How long have you been so employed, Mrs. Armstrong?

A. Well, I worked a year ago for six weeks and then I worked for one week during a busy time and then I started, I think it was June or July, and worked ever since.

Q. What work did you do when you were down there?

A. Well, I candled the first six weeks I worked. And then when I came back and helped out the week I was candling. And then I have been in the office this last time. [359]

Q. Now, you started to work in July of 1953?

A. It was either June or July, I think.

Q. June or July?

A. Along in there, yes.

Q. Of '53? A. Yes.

Q. And up to the time that, well, from June or July to September 26, about how much time did you spend in the office and how much time in the candling?

A. Oh, golly. Well, I was, I worked until the vacations were over in the office all the time. And then I started candling again parttime, working in the office part of the week and candling part of the week.

Q. (By Trial Examiner Bennett): When did you start that?

A. I just don't remember at all.

(Testimony of Velma Armstrong.)

Q. Well, what month, roughly, can you say that?

A. I imagine it was the last part of August, along in there. I am not sure of that.

Mr. Eberle: Let's see if I can't go at it a little differently.

Q. (By Mr. Eberle): Do you remember the day of September 26, the Saturday when the question arose about withdrawing from the union?

A. Yes, sir.

Q. That was the latter part of September. [360]

A. Oh.

Q. How long had you been working candling prior to that time?

A. I only worked, I think it was only two or three weeks that I candled.

Q. Two or three weeks?

A. And then I just quit and decided to work just parttime in the office.

Q. That was after that? What I am going to get at is prior to Saturday, September 26, how long had you been candling?

A. That was just two or three weeks.

Q. Two or three weeks?

A. That is what it seems like, to the best I can remember.

Q. Yes. And the rest of that time, from June, you were in the office? A. Yes.

Q. And since that you have been in the office?

A. Yes.

Q. So that from last June or July, '53, to the

(Testimony of Velma Armstrong.)

present time you have been in the office except for a couple of weeks?

A. And I was in the office then parttime, yes.

Q. (By Trial Examiner Bennett): When was it that you gave up the part-time candling and went back to the office fulltime?

A. I don't remember really whether that was before or after. I really don't remember.

Q. The September 26 day, is that, with relation to that are [361] you able to tell us?

A. That is what I can't remember. I was trying to think whether it was before or after that, but I don't remember.

Q. When you were candling parttime, what portion of your time did you devote to candling?

A. Well, I worked in the office on Wednesdays, Thursdays and Saturdays and candled on Mondays, Tuesdays and Fridays.

Q. A full day in each?

A. Yes. Only on Saturdays I got through about half a day.

Q. (By Mr. Eberle): But your best recollection is that during this period you spent only about two weeks at candling?

A. I just can't remember for sure, but it wasn't very long.

Q. Well, would you say two or three weeks, then?

A. Well, it seems like that is about what it was.

Q. Did you sign one of these slips for the union?

A. Yes, sir, I did.

(Testimony of Velma Armstrong.)

Q. And who asked you to sign it?

A. Mrs. Herzinger.

Q. Mrs. Herzinger? A. Yes, sir.

Q. What did she say when she asked you to sign it?

A. Well, she just said that the girls had all decided for the union and that they had signed and they would like me to sign because they would like to have the union in.

Q. She said all the girls had? [362]

A. I beg pardon?

Q. She said all the girls had signed it?

A. Well, I understood her to say that they had signed.

Q. Did you attend——

Q. (By Trial Examiner Bennett—interrupting): Is that all she said?

A. Yes, as near as I can remember, that is just about what was said.

Q. (By Mr. Eberle): Did you go to the meeting? A. Yes, sir, I did.

Q. What did you do after that about the union?

A. You mean that very night or——

Q. No. I mean after the meeting, or later.

A. Well, not much of anything that—not much of anything that I can remember.

Q. Do you remember that Saturday when the girls went to withdraw? A. Yes, sir, I do.

Q. Were you with any of the group of girls on that day? A. No, sir.

(Testimony of Velma Armstrong.)

Q. (By Trial Examiner Bennett): Was that the day you were working in the office?

A. Yes, I was working in the office that day.

* * * * * [363]

Trial Examiner Bennett: I understand that.

You are being asked what, if anything, you said about getting out of the union to the other girls.

A. Well, it's been so long ago, I don't remember just how it did come around, but I, I just don't believe I said anything that day at all.

Q. (By Mr. Eberle): Not that day. I mean later.

Mr. Bruckner: When?

Trial Examiner Bennett: The question is, later.

Mr. Eberle: She can tell.

Q. (By Mr. Eberle): Just tell us when and what.

Trial Examiner Bennett: If anything.

A. We talked it over a little and, of course, from my point [364] I couldn't see any advantage to it, working in the office and things, and they seemed to think that they didn't want it any more and I said that I didn't either, so——

Q. (By Trial Examiner Bennett): That was after that Saturday? A. Yes.

Mr. Bruckner: After when?

Q. (By Trial Examiner Bennett): After that Saturday, the 26th, is that right? A. Yes.

Q. (By Mr. Eberle): About when was it?

A. Well, I don't know, I don't see the girls much, only just during my noon hours, I am down

(Testimony of Velma Armstrong.)

there at noon hours on the days that I work, and of course they are so few that I don't talk to them very much. So I just don't remember just—it was shortly after.

Mr. Eberle: You may inquire.

Cross Examination

Q. (By Mr. Bruckner): Shortly after when, Mrs. Armstrong? A. After this Saturday.

Q. After September 26? A. Yes.

Q. Now, during that week you were working three days in the office and three days candling, is that correct?

A. That is what I am not sure of. I don't remember whether, just when it was that I quit working, candling. [365]

* * * * *

BERNARD GODFREY

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Eberle): Will you state your name?

A. Bernard Godfrey.

Q. Do you live in Pocatello? [366]

A. Yes.

Q. Are you employed by the Idaho Egg Producers? A. Yes, sir.

Q. How long have you been so employed?

A. This time it will be three years in November.

(Testimony of Bernard Godfrey.)

Q. Mr. Godfrey, did you sign one of these slips for the union? A. Yes, sir.

Q. Do you remember about when it was signed?

A. I really don't sir. It was, oh, just a matter of a few days, I would say, before the meeting at the union office.

Q. Who inquired of you as to signing it?

A. The ones that gave me the slip was Mrs. Herzinger and Mrs. Christenson.

Q. I can't hear you.

A. Mrs. Christenson and Mrs. Herzinger, and one of the fellows came with them, one of the ladies' husbands.

Q. Who was he? A. Mr. Herzinger.

Q. Came to your house? A. Yes.

Q. What did they say?

A. Well, just as to the effect, they gave me to understand, I won't say that they told me, but they led me to understand that most of the employees had signed these slips and they didn't want 60 or 70 or 80 per cent, but they wanted a hundred [367] per cent. I thought well, now, I am not going to be the only one in the bunch that don't sign, hold back, and shortly after that I discovered, after I had signed, that I was among the very first that had signed.

Q. Did you go to the meeting?

A. Yes, sir.

Q. And a few days later did you have any discussions among the men employees with reference to the union?

(Testimony of Bernard Godfrey.)

A. Well, there was talk of it.

* * * * *

Q. (By Mr. Eberle): Was there talk around the plant about the union, following the meeting?

A. Oh, yes.

Q. What if anything, was said about Mr. Hoffman? [368]

* * * * *

A. Well, it is like Mr. Talbot has said, that we thought it was rather, so to speak, ratty that one of our fellow employees would do that, after promoting the idea, then being the first to squeal on us.

Q. Then what?

A. Well, it was cussed and discussed for——

Q. What, if anything, was said following that as to withdrawing?

* * * * *

A. Well, there was talk, just to my knowledge, immediately after that that if they was going to carry on like that, if one of the leaders of our group was going to be against us right from the start, neither for nor against us, then why should we as a whole accept the union? We started talking immediately of doing away with it, especially after the sign on the wall had been written that it had been postponed indefinitely.

Q. (By Mr. Eberle): The election?

A. Yes.

Q. (By Trial Examiner Bennett): This talk took place especially after that sign was removed?

A. More so than it was before, sir.

(Testimony of Bernard Godfrey.)

Q. (By Mr. Eberle): What, if any, connection did that have with any understanding with reference to an election? [369]

Mr. Bruckner: Objection.

Trial Examiner Bennett: Sustained.

Mr. Bruckner: I have a running objection here, sir.

Trial Examiner Bennett: I understand.

Q. (By Mr. Eberle): You say with particular reference to when that notice was torn down. What conversations were had with that particular reference?

A. Well, the fellows as a whole wanted the election to go through for obvious reasons. They either would or would not be controlled by the union then.

Q. Had that been mentioned prior to that time, the election?

Mr. Bruckner: Mr. Examiner, I deem it unnecessary to make specific objections.

Trial Examiner Bennett: I don't see, I don't follow that question particularly.

Q. (By Mr. Eberle): Had there been any discussion prior to the time the notice was taken down, discussion of an election?

Mr. Bruckner: Objection.

A. I think so, yes. [370]

* * * * *

Cross Examination

Mr. Bruckner: Again I reserve my objections in spite of the fact that I explore.

Q. (By Mr. Bruckner): You were present in

(Testimony of Bernard Godfrey.)

the court room when Mr. Talbot testified about the time that the notice was taken down that some of the employees were in a group discussing whether it ought to go to a vote? You remember that, don't you?

A. I remember him saying that, yes.

Q. I see. Were you in that group?

A. I could have been, but I can't recall what was being said. As a matter of fact, the fellow that takes care of the basement, he ordinarily was on vacation. It fell to me, to my lot, to go down and take his place while he was on vacation, so there could not have been a lot of discussion between the men and the women that I was not in on, sir.

Q. Did Mr. Slayden ever say anything in your presence about the union? A. No, sir.

Q. You never attempted to withdraw your card, did you? A. No, sir. * * * * * [371]

THORA PANTER

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Eberle): Will you state your name to the reporter, and your address, please?

A. Thora Panter, 349 Franklin.

Q. Are you employed by the Idaho Egg Producers? A. Yes.

Q. How long have you been so employed?

(Testimony of Thora Panter.)

A. Well, since October 15, 1951.

Q. In what capacity? A. Egg candler.

Q. You signed an authorization slip for the union, Local 983? A. Yes, sir.

Q. About when did you do that, Mrs. Panter?

A. I just don't remember whether it was the day before the meeting or whether it was the previous week. I don't recall it.

Q. By whom were you requested to sign? [372]

A. Well, there was three ladies came to my home and I signed it then.

Q. And do you know who they were?

A. Yes. Erma Herzinger, Ruthe Jensen and Donna Christenson.

Q. What did they say, if anything?

A. Well, they just wanted to know if I was interested in the union and told me that they thought it was to our advantage that we join. And anything that was to my advantage, why, I figured I should be in it.

Q. What, if anything, did they say about how many had signed?

A. Well, I don't believe they mentioned any specific number to me.

Q. Did you go to the meeting? A. Yes.

Q. Now, that was about Tuesday night, wasn't it, the meeting? A. Yes.

Q. On Saturday—had there been some discussion about the union during the period between Tuesday and Saturday?

(Testimony of Thora Panter.)

A. Well, it didn't seem like there was too much. No one seemed to know too much about it.

Q. I mean, amongst the girls, they did discuss it? A. It was kind of a hush-hush affair.

Q. (By Trial Examiner Bennett): It was kind of a hush-hush affair, you say? A. Yes. [373]

Q. (By Mr. Eberle): On Saturday, do you remember Mr. Slayden coming down to the room where some of the girls were?

A. Yes. In the candling room.

Q. Did he come down once or twice on Saturday?

A. He came down twice that one Saturday.

Q. The first time, about when was that?

A. Well, it was in the morning, it was between 8 and 10. I couldn't tell you the time. It was in that, between that time.

Q. Can you just state briefly what he said that time?

A. Well, someone must have went up and told him that all the girls wasn't doing their work, they were out of their booths and whispering around, and so he just came down and he said, "Get back to work, keep your mind on your work", and that—I have even forgotten what he did say. It was exactly the way the other girls repeated it.

Q. If I may refresh your recollection, what, if anything, did he say about the union?

A. Oh, he said if we wanted to join the union, why, go ahead and join the union, but if we got in the union we would have to do the work "the

(Testimony of Thora Panter.)

same as you are doing now, you couldn't loaf on the job even if you got in the union."

Q. Was that the substance of that first talk that he made?

A. That was the substance of that first talk.

Q. How long was he there?

A. Well, long enough to say that much. He wasn't there very [374] much. I am the radio operator, and I turned off the radio to listen to him.

Q. You were standing in the doorway?

A. No. I am the second booth. I am on the—I don't know whether I am on the south side or the north side of the building.

Q. Was he standing near the doorway?

A. On one side anyway.

No, he was standing at the top, the top of the room.

Q. Where you enter it?

A. Well, there is two or three entrances to that one room. There is three entrances to it. And he was to the east entrance, I guess you would call it that.

Q. Yes. All right. Now, after he left did Ruthe Jensen come down and talk to you girls?

A. Well, she never come down and talked to me. I didn't even know she had been anywheres. But I could see that there was some disturbance of some sort, so I went over and asked her, I says, "What's the matter?" and she said, "Well, I guess they have all decided to withdraw from the union" and "Is that all right with you?" and I said, "Sure,

(Testimony of Thora Panter.)

anything that the rest want. I am ready for it.” And that was all there was to it.

Q. After she had made that statement did Mr. Slayden come down again later?

A. Yes, he came down later and he says, “After you girls finish what you are doing, if you want to go over and resign”— [375] —or “withdraw your cards”—“why, my car is out there; if you haven’t got transportation, we will see that you get it.”

Q. Did anybody use his car? A. No.

Q. Did you go to the union hall? A. No.

Q. You waited there and finished your work?

A. Yes. Mrs. Sladek and myself was the last ones, I guess, through. We had a stack of eggs, and when you are on one man’s eggs you have got to finish them before you go home regardless if it’s time to quit.

Q. Is that the general practice? A. Yes.

Q. In prior years when you finished the eggs, for instance, of some man—and there is not time to start another lot, do you quit then, on Saturday mornings? A. Yes, we do.

Q. And you are not docked for that time?

A. No.

Q. When, if at all, did you decide to withdraw, as you have mentioned?

A. Well, I just decided when the rest decided to withdraw. It seemed to be like it was all in a group, it seemed to me.

Q. (By Trial Examiner Bennett): When was that?

(Testimony of Thora Panter.)

A. It was on a Saturday. We all seemed to all decide practically [376] at the same time.

* * * * *

Q. (By Mr. Eberle): Well, was that prior to the time that Mr. Slayden came down the second time? A. Yes, that was.

Q. Have you worked during the years when, or any year when, the candlers did not work on Saturday morning? A. Yes, sir.

Q. And state whether or not that was during some of the slack periods, when there weren't too many eggs.

A. That was in the summertime.

Mr. Bruckner: What was the answer?

The Reporter: "That was in the summertime."

Q. (By Mr. Eberle): Did that occur in 19—the year before—'52? A. Yes, in '52.

Q. (By Trial Examiner Bennett): You say the slack period was in the summertime?

A. It generally is, yes.

Q. (By Mr. Eberle): State whether or not anything that was said [377] by Mr. Slayden or anyone on behalf of the company that influenced you in any way in arriving at your decision.

* * * * *

A. No. There was a rumor of talk that noon that what he could do to us if we went union, that was the only thing that—he didn't say it. We just surmised it between ourselves. We just figured boy, we would get in a lot of Dutch.

(Testimony of Thora Panter.)

Q. (By Trial Examiner Bennett): You say the girls were discussing that?

A. Yes. They were just discussing that amongst themselves.

Q. Concerning what he might do, but he didn't say anything?

A. Yes. They said he could do that if we went union.

Q. But he didn't say anything about it?

A. But he didn't say anything about it.

Cross Examination

Q. (By Mr. Bruckner): What did they say that Mr. Slayden could do if you went union?

A. They said that heck, he could just take the eggs over in this storage house and keep them there and fire the whole crew of us and get a whole new bunch in and have them learn how to do it, and when they got so they knew how to candle eggs, why, then they could go get those eggs out of storage and do it.

Q. What day was this that the girls were talking——

A. Well, I don't know. It was after the union was mentioned, [378] and it was during that time. Now, I don't know what day it was. There was noon hour discussions all the time amongst the women. They were down in a room to themselves.

Q. (By Mr. Bruckner): It was after the union meeting, though, wasn't it?

A. Well, I think it was.

(Testimony of Thora Panter.)

Q. Would you say it was before that Saturday, September 26? A. No, it wasn't before then.

Q. It wasn't? A. It was after.

Q. It was after that. Was anything said to you about having Saturdays off? A. No.

Q. In your presence, did you hear Mr. Slayden say anything about having Saturdays off?

A. Not that I recall. He said that we maybe could work something out like that, he said if the eggs got so that we could have Saturdays off we might have it. But that was out in the car. But he never did say that we could have Saturdays off. He said if we could work something out, why, that might be arranged.

Q. (By Trial Examiner Bennett): Did you say that was out in the car?

A. That was out in the car, yes.

Q. Was this on Saturday, as you were about to leave? [379]

A. We were out there waiting for a ride home.

Q. Tell us again what he said on that occasion.

A. Well, he said we might, could arrange for, if that was what we wanted, if that was what we was after, was Saturdays, why, maybe we could work something out that would be to the good of the women.

Q. (By Mr. Bruckner): This was when you were in the car waiting for Ruthe Jensen?

A. To go home.

Q. Was that Ruthe Jensen's car?

A. Yes. But I walked. My husband was to come

(Testimony of Thora Panter.)

after me and I decided I wasn't going to wait for Mrs. Jensen, she was going to be a little late, and she wasn't going in my direction, so I got out and walked.

Q. (By Trial Examiner Bennett): Who else was in the car?

A. Mrs. Sladek and Mrs. Pharris, Elizabeth Pharris.

Q. Which Pharris?

A. Elizabeth Pharris.

Q. Elizabeth? A. Yes.

Q. (By Mr. Bruckner): Was that Evelyn Pharris? A. Elizabeth.

The Witness: Was you in there, Evelyn?

Trial Examiner Bennett: Don't ask anybody else a question.

The Witness: Elizabeth and Evelyn. [380]

Q. (By Mr. Bruckner): Was this after you had heard that the group with Janet Stoddard and Mary Monroe—— A. What?

Q. You had heard that the group that went with Janet Stoddard had arrived at the union hall and the union hall was closed? A. Yes.

Q. And had you intended to go down to withdraw, too? A. Yes.

Q. You were leaving early to do that, weren't you, together with the other girls?

A. I didn't hear you.

Q. I say, you were leaving early, before noon, before 12 o'clock, to do that? A. Yes.

Q. Isn't that correct? A. Yes.

(Testimony of Thora Panter.)

Q. Isn't it true that Mr. Slayden said that you could leave before noon to do that, you would be paid up until noon?

A. Well, I don't remember of him saying anything about we would be paid. He said we could have that, the rest of the morning off after we finished what eggs we were doing, we had to finish the eggs that we were on.

Q. (By Trial Examiner Bennett): Will you tell us again what he said when he came down the second time?

A. He just told us if we were wanting to withdraw from the [381] union, why, his car was available if we didn't have transportation, and if we wanted to go withdraw, why, O. K., and if we didn't, why, that was all right with him, we could go union if we wanted to, but if we didn't want to, he would let us go over and withdraw on that morning.

The Witness: I guess I didn't get it all said the first time.

Mr. Bruckner: Was there anything there that was material.

Trial Examiner Bennett: I don't—just a moment.

Did you have her aside to me?

The Reporter: Yes.

Trial Examiner Bennett: Read the answer back to counsel, the end of it.

(Last statement of the witness read.)

(Testimony of Thora Panter.)

Q. (By Mr. Bruckner): What is it you didn't get said?

A. Well, that he told us we could join the union if we wanted to, he said that was immaterial to him, but if we wanted to withdraw, why, his car was there and if we didn't have transportation——

Q. Yes, I understand that. Didn't he also say at the time something about going behind his back to the union?

A. Well, I don't know. There was so darned much said at that time that I don't know——

Q. You don't remember everything that was said?

A. I don't remember everything that was said.

Q. Yes, ma'am. And don't you remember him saying something about he would rather that the employees deal with him instead of the union, that maybe things could be worked out?

A. Well, I think that he did say that, but I couldn't say when he said it or at what time. I think that he felt like that he could have worked something out if he would have had the chance.

Q. Yes, ma'am. And didn't he say that in the future he would try to arrange——

Mr. Bruckner: Strike that.

Q. (By Mr. Bruckner): Up until that time you had been working Saturdays, hadn't you?

A. Well, we, I—I didn't hear you right.

Q. Up until that time you had been working Saturdays, had you not?

A. Yes.

(Testimony of Thora Panter.)

Q. And after that you didn't work Saturdays any more, did you? A. No.

Q. As I understand your testimony, you said it was a general practice to quit, or to leave the plant, on Saturday as soon as you had finished your work. Is that correct? A. No.

Q. Now, that isn't correct, is it? A. No.

Q. What is the general practice, Mrs. Panter?

A. The practice was to leave about, we got off from 10 to 5 [383] minutes to 12.

Q. And that was always the practice, regardless of whether you had finished your work or not?

A. Well, the impression I got, we asked the question that if we didn't have time to do another man's work, or another man's eggs, why, then, could we quit, and he said yes.

Q. But your regular hours were from, were up until 12 noon on Saturday and up until 4 o'clock at that time during the week, isn't that correct?

A. It was 4.

Q. And your practice was to work until about 10, or 5, minutes of 4, is that right?

A. No. Our practice is to work from, say, all the way from 3:30 to a quarter to 4. It is according to if we feel like that we was able to finish a case of eggs, why, then we call, we can call, for another case of eggs, but if we didn't we swept our booth and cleaned our booth and went and sat down.

Q. And you waited until what time before you left the plant? A. About 5 till 4.

(Testimony of Thora Panter.)

Q. But you never left the plant before 5 till 4?

A. No, we didn't.

Q. And on Saturday you never left the plant before about 5 to 12, is that correct?

A. Yes, that is correct.

Q. What time did you leave the plant on this Saturday? [384]

A. Well, I couldn't tell you. I had to finish those eggs. And my husband calls Saturday at 5 to 12. And he come down to get me and I was gone. And he met me up there by the Idaho Department Store. So I had walked that far.

Q. (By Trial Examiner Bennett): What is your best recollection as to the time you got through that day?

A. Well, I imagine about a quarter after 11 because we sat and talked in the car a few minutes and then I decided to walk home because Ruthe wasn't going in my direction and I didn't want to cause her any inconvenience.

Trial Examiner Bennett: Next question.

Q. (By Mr. Bruckner): In any case, though, you would have had time to do some more eggs ordinarily, wouldn't you?

A. Oh, I suppose we would have, yes.

Q. So if you hadn't been released by Mr. Slayden at that time you actually would have kept on candling eggs up until the usual hour, which would have been about 5 or 10 to 12, isn't that correct, ma'am?

A. Well, yes.

Q. Did you hear anything said on that Saturday,

(Testimony of Thora Panter.)

September 26, about a Christmas bonus? By anybody, now.

A. I didn't hear it on a Saturday, but I heard it during the week, the women was discussing that. That was another thing that could be taken away from us, they said, if we would go union, that is the women's story. They tried to tell us that. [385]

Q. Yes, ma'am. This was before Saturday, this was during the week, now, as I understand it?

A. I think it was. I am not sure whether it was before the Saturday or after the Saturday.

Q. Was it before some of the girls attempted to withdraw or after? A. Before what?

Q. Some of the girls with—attempted to withdraw from the union, or was it after that?

A. I don't know.

Q. Well, who said that, do you remember?

A. Yes. I remember who said it.

Q. Who said it? A. Carrie Monroe.

Q. Do you remember who else might have said that?

A. No. But it was just a general discussion going on about what could happen.

Q. This might have been said during the week of the meeting, though, as far as your recollection is concerned?

A. Well, it could have happened during that week or the week following that. But after they all decided to withdraw it was forgotten, we forgot it.

Q. In other words, then, after you decided to

(Testimony of Thora Panter.)

withdraw the probability is there was no discussion about it, you just forgot it? Is that correct? [386]

A. Yes, we just practically forgot it. I don't think there was too much discussion going on.

* * * * *

Q. (By Mr. Bruckner): Do you recall if anything was said about a machine being put in?

A. No, I don't recall it, but I recall of hearing the rumor of it. Mr. Slayden brought us down, it was a long time before this union deal ever came up, he brought us down a picture of a machine-operated plant and said that was what could be placed in there. But I understood that that building was too small for it.

Q. Did you hear anything being said about a machine during that week? A. No.

Q. (By Trial Examiner Bennett): He is referring to the week——

A. (Interrupting) No——

Q. (By Mr. Bruckner): The week of September 22. A. No. [387]

Trial Examiner Bennett: When he is referring to that week, he is referring to the period between Tuesday night, the night of the meeting, and Saturday, when you left early.

Q. (By Mr. Bruckner): Now, you stated that there was a lot of discussion and talk about what Mr. Slayden could do if the union came in and you stated that, for example, for one thing, he could take eggs, put them in the cold storage plant, discharge the regular employees and get new employees

(Testimony of Thora Panter.)

and train them. Was anything said about anything else he could do? A. No, I don't remember.

Q. Do you remember who said that, though, that particular story?

A. Yes, I remember, I think all of the girls will remember who said it.

Q. Who did say it? A. Carrie Monroe.

Q. Carrie Monroe. Do you recall whether Mr. Slayden——

Mr. Bruckner: Strike that.

Q. (By Mr. Bruckner): Before Saturday, September 26, had you made any attempt to withdraw from the union? A. No.

Q. Had you decided to withdraw from the union before that time?

A. I hadn't decided one way or another. [388]
* * * * *

CECIL SLAYDEN

a witness called by and on behalf of the Respondent, being first duly sworn, was examined and testified as follows:

Direct Examination

Q. (By Mr. Eberle): Will you state your name?

A. Cecil Slayden.

Q. Do you live in Pocatello? A. Yes, sir.

Q. How long have you lived here?

A. Twenty years the first day of March.

Q. What is your position with the Idaho Egg Producers? A. Branch manager.

Q. I take it, Idaho Egg Producers is a cooperative marketing association? A. Yes, sir.

(Testimony of Cecil Slayden.)

Q. Organized under the Cooperative Marketing Act of Idaho? A. Yes, sir.

Q. Now, Mr. Slayden, with reference to Ruthe Jensen, did you [389] ask to see her sometime before, in the week of, during the week of September 21?

A. Well, I was down in the basement and I says to Ruthe, "I would like to have a talk with you one of these times, Ruthe", and she says, "That is fine", and I told her it was a little bit late in the day then and we would talk some other time. And she came up the next morning about 8 o'clock.

Q. Will you just state briefly what the conversation was?

Mr. Bruckner: When was this?

Trial Examiner Bennett: Let's fix the date first, if we can.

The Witness: I think that was on Friday, the 25th.

Q. (By Trial Examiner Bennett): She came up on Friday morning? A. Yes, sir.

Q. You spoke to her on Thursday and she came up on Friday? A. Yes, sir.

Q. The next question was, give us the conversation.

A. Well, when Ruthe came into my office I said, "Ruthe, what's happened? Haven't I been good to you?" And she said, "Yes, Mr. Slayden, you have been awful good to us, but" she said, "we just figured we could get a little more money." And I told her that I didn't know that was, if that was

(Testimony of Cecil Slayden.)

possible or not, but I hadn't heard that the girls, of any them, was dissatisfied and that was the first of my knowledge of them being dissatisfied.

Q. (By Mr. Eberle): What did you say about negotiating a contract, if the union came in? [390]

Mr. Bruckner: This is direct examination. This is an important witness and this is direct examination.

Mr. Eberle: I will withdraw the question.

Trial Examiner Bennett: Will you exhaust the witness first.

A. Well, we talked about the wages and so on and so forth.

Q. (By Mr. Eberle): What else was said?

A. And of course we talked about the union and she asked me, "What about our Christmas bonuses and our paid holidays?" and I said, "Well, that would be entirely up to the union, that would be up to the union contract, whatever the contract with the union was, whether we gave paid holidays and Christmas bonuses."

Q. Was anything else said?

A. No, nothing more that I know of.

Q. (By Trial Examiner Bennett): How did she happen to ask about the bonuses and holidays?

A. Well, she was just discussing about the wages and so on and so forth and she, well, I don't know, other than, other than we were talking about the union and she, she says, "Will the union take that away from us?"

(Testimony of Cecil Slayden.)

Q. (By Mr. Eberle): What, if anything, was said about Saturdays?

A. Well, there wasn't anything, I don't think, said at that time about—well, yes, there was, too. I will admit that. She said, I asked her what they wanted and she says well, they would like to have Saturday off, and I says well, it had been [391] customary in the past for us to let them have Saturday off during a time when we weren't rushed and that if it could be worked out that we could have Saturdays off.

Q. Was anything said about a machine?

A. Yes. At that time we were talking and she, I told them that this machine, it all depended on what the demands were for wages and if the expense got too prohibitive that there was machinery that we could put in to candle eggs.

Q. (By Trial Examiner Bennett): This is what you told Jensen?

A. That is what I told Jensen, yes, sir.

Q. (By Mr. Eberle): You had discussed that with her in prior years? A. Oh, yes.

Mr. Bruckner: Objection.— All right, I will withdraw it.

Q. (By Mr. Eberle): I mean, she was familiar with that situation?

A. Well, they were all familiar with it.

* * * * *

Q. (By Mr. Eberle): Before you talked to her had you gone down and talked to the employees that morning? A. No, sir, not that day.

(Testimony of Cecil Slayden.)

Q. Not that day? A. No, sir. [392]

Q. That wasn't on Saturday? A. No, sir.

Q. All right. Now, on Saturday morning, then, did you go down and talk to the employees?

A. Yes. The word came to my office that they weren't getting their work done and this person wanted to know if I could come down and see if I couldn't get those girls quietened down, and I did, and I went down and I told them that their candling sheets were balled up and that their grades were off and that they weren't getting any volume and I wanted them to get in the booths and do their work and forget about the union at that time and make up their mind, if they wanted to vote and go union, that was strictly up to them, and if they didn't, why, that was their privilege.

Q. (By Trial Examiner Bennett): Do you know what time this was?

A. Well, I would say that was around between 8:30 and 9 o'clock.

Q. How long did your remarks last?

A. Not more than a couple of minutes at the most.

Q. (By Mr. Eberle): You have given us the entire statement then, at that time?

A. Yes, sir.

Q. Now, subsequent to that what, if anything, did Ruthe Jensen come and say to you?

A. Well, after that, after I had talked to the girls that morning, I went back upstairs. Ruthe Jensen came to me and [393] says, "We have all

(Testimony of Cecil Slayden.)

decided to withdraw," and I said, "Well, that is fine, that is your privilege, and any of those girls that wants to withdraw, that is up to them. And if they haven't got transportation I have got a car here that can furnish transportation."

Q. Following that, what did you do, if anything, with reference to going down and telling the girls?

A. Following that, I went down and told the girls, later on, and talked to them and said that I had heard that they all wanted to withdraw, and if that was what they wanted to do, that was their privilege, but I wasn't telling them whether they could join the union or whether they couldn't.

* * * * *

Q. (By Mr. Eberle): With reference to the car, will you state what, if any, practice you had prior to that time with reference to the use of the car in connection with the employees.

A. Well, my car has always been free to employees in case, well, there has been times that we went uptown and got them ice cream cones and there has been times that we went up and got doughnuts for the coffee and there has been other times that I [394] have taken them home when they were sick and other times that I have taken them to the doctor.

Q. Will you tell us also any instances where you had changed the Saturday hours in prior years?

A. Yes. A year ago the girls came to me and wanted to know if they couldn't have Saturday off. And I told them yes. At that time the volume was

(Testimony of Cecil Slayden.)

down, our egg sales were low and it wasn't compulsory that we work on Saturdays, so we let them have Saturdays off. And then later on, when we needed them, why, we put them back on and worked Saturdays again.

Q. (By Trial Examiner Bennett): How long a period did that cover?

A. I think that amounted from about six to eight weeks.

Q. From when to when, approximately?

A. I think that was July through August, about.

Q. Would that be July through August of 1952?

A. Yes, sir. [395]

* * * * *

Q. (By Mr. Eberle): Was there any custom or practice with reference to paying a girl until 12 o'clock on Saturday, where a girl had completed her work and there was not sufficient time to complete a new batch? A. Yes.

Q. State what that was.

A. Well, as previously, it has been told that there has been certain lots to be done. Sometimes these lots comes in in five, ten and to 20 cases, and in other cases, three and four-case lots, and if a girl finishes up a case of eggs at 12:30 and there isn't a small lot, or at 11:30, and there isn't a small lot for her to start on, she is automatically through for that day and she gets paid right up to her full time.

Q. (By Trial Examiner Bennett): What if she gets through at 11?

(Testimony of Cecil Slayden.)

A. Well, it isn't often that they get through at 11. We try to arrange it to where they don't get through at 11.

Q. (By Mr. Eberle): With reference to Velma Armstrong, I think she testified she started to work again in June or July. Can you tell us, between then and the end of last year, about how [396] many weeks she was in the office and how many weeks she worked at candling?

A. You mean, up until the present, from the time she started until this——

Q. Yes.

A. Well, I think she had been in the office about three weeks, somewhere around close to that, three to four weeks, parttime, and she worked on Wednesdays, Thursdays and Saturdays in the office. And the rest of the time she candled eggs.

Q. How many weeks did she candle eggs before she went back to the office again?

A. I don't know for sure. I don't know for sure just how long she did candle eggs.

Q. (By Trial Examiner Bennett): Do you know when she candled?

A. Yes. I know she was candling in the month of August.

Q. Of 1953?

A. Of 1953. And she was also working in the office.

Q. (By Mr. Eberle): All right. Now, let me put it this way. She is now working three days a week in the office? A. Yes, sir.

(Testimony of Cecil Slayden.)

Q. But she is not candling? A. No, sir.

Q. How long has that been?

A. Well, she started that about a week after the 22nd, the 26th or somewhere along in there, voluntarily. [297]

Q. Since the 26th of September 1953 she has done no candling? A. No, sir.

Q. And prior to August 1953 she didn't do candling?

A. Prior to August? I couldn't say, Mr. Eberle, just what time she came to work there.

Q. (By Trial Examiner Bennett): Let me see if I have this straight. You said she candled parttime in August and also parttime in September. Is that right?

A. Yes. But, if I understand, the question was how long she came before that, and I don't know that.

Q. I am more interested in what happened afterwards at the moment. A. Yes?

Q. How late in September did you say she candled?

A. Well, I would say she candled right up until about the 1st of October.

Q. And then she went on to fulltime or parttime office work?

A. She went on to parttime office work, voluntarily.

Q. And she was just working several days a week? A. Three days a week.

Q. And she still remains in that status?

(Testimony of Cecil Slayden.)

A. Yes, she is still working that.

Q. According to your testimony, she worked as a parttime candler for at least during two months, during August and September.

A. Well, I would say six weeks to two months.

Q. (By Mr. Eberle): And prior to that time she was doing office work?

A. No, sir. She wasn't doing office work prior to the time that she started candling eggs for us.

Q. I thought she started to work in June.

A. She started to work in June and she worked a little while and then we run out of work for a little while and we laid her off and then we got her to come back and work in the office and work part-time in the candling room.

Q. And that was during August and September?

A. Yes.

Q. (By Trial Examiner Bennett): So, to sum it up, as well as you recall, from sometime in August until approximately October 1 she worked this parttime candling detail? A. Yes.

Q. Her time was divided up about fifty-fifty?

A. Yes, sir.

Q. (By Mr. Eberle): State whether or not you ever told Mr. Lott or Mr. Doss that they could not talk to the employees off the premises.

A. I never did tell them that they couldn't talk to the employees off from the premises.

Q. What, if anything, did you say about your desire to be present if they talked to them on the premises?

(Testimony of Cecil Slayden.)

A. Well, they said they was going to come there and have the [399] meeting and I told them I would be there.

Q. State whether or not you ever called them a Communist. A. No, sir, I did not.

Q. Was there some conversation about that?

A. No, sir.

Q. What was that?

A. There wasn't any. Mr. Lott asked me if I had called them Communist and I told them no.

Q. Did you ever make any statements to them, or admissions, of what you had said to Ruthe Jensen other than your testimony of what you said to her today? A. No, sir.

* * * * *

Q. (By Mr. Eberle): Did they come to the premises and have a meeting with the employees when you were not there? A. Yes, sir.

Q. Did they inquire for you before they had the meeting? A. No, sir. [400]

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Q. (By Mr. Eberle): Mr. Slayden, there is in the charge that you accused employees of instigating the union. Will you state whether you have ever made any statement with reference thereto to any employee? A. No, sir.

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Q. (By Mr. Eberle): Mr. Slayden, it is also in the charge, in the complaint, that on or about September 24, 25 and 26, 1953, you threatened employees individually and collectively with loss of

(Testimony of Cecil Slayden.)

existing holidays, Christmas bonuses and other privileges and benefits in the event the union was successful in coming into the plant. Will you state what, if any, statement you made to any employee with reference thereto?

A. I didn't make any statement to any employees with that reference. The question came to me about the Christmas bonuses and the holidays, paid holidays.

Q. It is also charged that on or about September 24, 25 and 26, 1953, you promised Saturdays off, shorter hours and more overtime.

A. Well, I did in this respect, that we had had Saturdays off [401] the time before. And I didn't promise no overtime, no more overtime.

* * * * *

Cross Examination

Q. (By Mr. Bruckner): Mr. Slayden, about Velma Armstrong, isn't it true that the company considered her to have a classification of an egg candler? A. Well, that is probably right, yes.

Q. I am referring specifically to the month of September 1953 and the month of August 1953.

A. Yes, sir.

Q. Am I correct, sir?

A. Yes, she was classified as an egg candler.

Q. When is your slack season?

A. Well, our slack season usually starts along about in the, from August to, on through until October, November and clear through into June. Our storage eggs——

(Testimony of Cecil Slayden.)

Q. (By Trial Examiner Bennett—interrupting): Just a minute. Do you mean July and August are your only busy months?

A. That is our busiest months.

Q. Well, according to your prior answer, you had a 10-month [402] slack season.

A. Well, we, in July and August, are candling storage eggs and fresh eggs are coming in from the producers' pullets at the same time, and that is quite a problem. Now, we hire girls here for maybe three or four months a year and then we have to lay them off. And there is no more work until the following season, along about July, August and September.

Q. Is there such a thing as a slack season for your regular crew?

A. No, sir. We don't have a slack season for regular crew because the regular crew that works, we try to arrange to keep forty hours, we lay off according to seniority and try to give those girls 40 hours a week work, working time.

Q. So actually the work is pretty steady with the exception of a couple of months when the storage eggs and the pullets happen to coincide?

A. That is right.

Q. (By Mr. Bruckner): As a matter of fact, Mr. Slayden, isn't it true that you commenced to give Saturdays off on October 3, 1953?

A. Yes, sir.

Q. Isn't it true that you did that in response to

(Testimony of Cecil Slayden.)

a request from the employees to have Saturdays off? A. Not necessarily.

Q. Did you or did you not? [403]

A. I did and it because our volume was down and we had done that previously.

Q. You did this voluntarily? A. Yes, sir.

Q. You did this without any request from employees——

A. (Interrupting) I was asked for it——

Q. (Interrupting) Let me finish my question, please.

Trial Examiner Bennett: I want counsel and the witness to desist from interrupting each other and especially with this particular witness.

And I will expect that on redirect as well.

Let him finish his question before you start to answer.

Will you read the question?

(Last question and answer read.)

Trial Examiner Bennett: Ask another question.

Q. (By Mr. Bruckner): As I understand your testimony, you voluntarily gave Saturdays off, starting on October 3, 1953, without any requests from any employees. Is that correct, sir?

A. Well, it wasn't a request.

Q. You received no requests?

A. No, sir. They asked if they could have it, sir.

Q. Who asked? A. Ruthe Jensen.

Q. When?

A. On Friday, the 24th, I think.

(Testimony of Cecil Slayden.)

Q. I see. Is that when she was talking to you in your office? [404]

A. Yes, sir.

Trial Examiner Bennett: Friday would be the 25th?

The Witness: Yes, I suppose so.

Q. (By Trial Examiner Bennett): Do you mean Friday?

A. Yes, it was on Friday, I am sure.

Q. (By Mr. Bruckner): As I understand your testimony on that, that was in response to your question of her, when you asked her, "Well, what is it the employees want?" is that correct?

A. Yes, sir.

Q. And, as I understand, she said, "Well, for one thing they want Saturdays off and more money."

A. I told her that we had given Saturdays off in the past and we were in a position at that time that we could give Saturdays off.

Q. (By Trial Examiner Bennett): Was this after she had said what the employees wanted?

A. Yes, sir.

Q. (By Mr. Bruckner): And you said you would try to work it out, is that correct?

A. That is correct.

Q. Isn't it true, Mr. Slayden, that you told her the evening before that you wanted to speak to her the next day, on a Thursday?

A. Yes, sir.

(Testimony of Cecil Slayden.)

Q. And at that time didn't you say you wanted to talk to her [405] about the union?

A. I just told her I wanted to talk to her.

Q. You didn't mention the union?

A. No, sir.

Q. Did she ask what you wanted to talk to her about? A. No, sir.

Q. What did you say to her when she arrived in your office in the morning?

A. I said, "Ruthe, what have I done to you?" I says, "Why has all of this trouble come up?"

Q. Trouble? Did you say "trouble"?

A. Well, something to that effect.

Q. To her?

A. I don't know for sure whether I said "trouble" or——

Q. What did you say?

A. Well, I just said, "Why all the confusion?"

Q. Do you think you used the word "confusion"?

A. Well, I probably did. I don't know what I did use.

Q. Yes, sir. And what did she say?

A. And she said, "Mr. Slayden", she said, "you have been awful good to us", she said, "I haven't got a bit of complaint about how good you have been to me." And I said, "What did you do it for?" and she said, "Well, they told me I could get more money."

Q. Let me stop you there for a moment. You said, "What did [406] you do it for?"

(Testimony of Cecil Slayden.)

A. Yes.

Q. Had you up until that time mentioned what you were talking about? A. No.

Q. What were you talking about, what did she do what for?

A. Well, the troubles that I was in then.

Q. What troubles?

A. Well, you know what troubles. I was having union troubles, as far as that goes.

Q. Well, you said, "What did you do it for?" is that correct?

A. Well, I just asked her why she had been trying to cause me trouble.

Q. (By Trial Examiner Bennett): You were referring to your union trouble? A. Yes, sir.

Q. And did she indicate that she understood what you were talking about? A. Yes, sir.

Q. (By Mr. Bruckner): How?

A. Well, she indicated that "they"—she said "they"—I don't know who she meant by "they"—she said, "They told us we could get more money."

Q. Did you ask her whom she meant by "they"?

A. No, I didn't ask her whom she meant by "they". [407]

Q. Did you say to her then that you had found out that she was one of the main ones bringing in the union? A. No, sir, I did not.

Q. Did you say you knew who was in the union?

A. Yes, sir.

Q. You did say that? A. Yes, sir.

(Testimony of Cecil Slayden.)

Q. (By Trial Examiner Bennett): Did you tell her how you knew that? A. No, sir.

Mr. Bruckner: What was that answer?

The Reporter: "No, sir."

Q. (By Mr. Bruckner): Who was the one who brought up the subject of Christmas bonuses?

A. Well, they was asking for more money. They said they wanted more money, or she said they wanted more money. And I think that Ruthe Jensen was the one who brought up the subject of Christmas bonuses.

Q. Who said they wanted more money?

A. Well, Ruthe Jensen said they wanted more money.

Q. Yes. You asked what the trouble was and she said that they wanted more money and they wanted Saturdays off, is that correct? A. Yes.

Q. And what did she say, that they wanted Christmas bonuses? She brought up the subject? I don't understand. [408]

A. Well, I don't know, either, how it was brought up.

Q. Sir?

A. I don't know, either, how it was brought up. But, then, anyway I know in our discussion that I told her that that would be up to the union, whether the union got that in their contract or not, whether we gave Christmas bonuses.

Q. And, as I understand now, you are not sure now whether you brought it up or she brought it up? A. No, I didn't bring it up, no, sir.

(Testimony of Cecil Slayden.)

Q. Oh, you are sure that she brought it up?

A. Yes, sir.

Q. Who brought up the subject of a contract?

A. The contract?

Q. Yes, sir.

A. There wasn't no subject brought up of a contract.

Q. Was a contract discussed at all? A. No, sir.

Q. Well, the word "contract" was used, wasn't it? A. No, sir.

Q. (By Trial Examiner Bennett): I thought you just said that you referred to a "union contract".

A. Well, that is probably right, yes, "contract", if that is what you are talking about, a "union contract", and it was in the discussion. I don't know how it was brought up.

Q. (By Mr. Bruckner): What was said about "the union contract" [409] or "a contract"?

A. Well, she was just asking for more money.

Q. Yes?

A. She said she would like to have some of the better things in life.

Q. Yes?

A. And she said that the union said that their contract would get those things for her.

Q. Yes?

Q. (By Trial Examiner Bennett): What did you say?

A. Well, I told her I didn't know whether they would or not, that was up to the union, I didn't know what kind of a contract they had to offer, but,

(Testimony of Cecil Slayden.)

I said this, that if it got too steep, why, these producers couldn't stand it.

Q. (By Mr. Bruckner): At that time you mentioned the 300 to 400 poultry growers?

A. Yes, sir.

Q. Is that correct, sir? A. Yes, sir.

Q. Didn't you at that time also say that if the union came in that they might have to put in a machine in order to keep the 300 to 400 poultry growers happy?

A. I did in the respect that if the demands and wages got too high, that we may have to put in the machine to hold down the overhead to where these producers could make some money. [410]

Q. There has been some testimony that you had these plans for a machine for several years, is that correct?

A. A couple of years, yes, sir.

Q. How long, two years? A. Two years.

Q. And it was never decided that it was necessary to put in the machine?

A. No, we never did decide that it was necessary to put in the machine.

Mr. Eberle: Here (indicating).

Mr. Bruckner: What was given to the witness now?

Mr. Eberle: The plans have the date on them.

Trial Examiner Bennett: The witness was handed something by counsel.

If you do not desire to have the witness inspect

(Testimony of Cecil Slayden.)

them, I would suggest they be taken away from the witness.

Mr. Eberle: I assumed that he wanted to know when, and they bear the date.

The Witness: This says "7/16/52".

Mr. Bruckner: I am not entirely sure what is happening here, but it is my understanding, I think I know what is happening now, but I have no need of the document now.

Trial Examiner Bennett: Mr. Eberle handed it to the witness who looked it over, looked at it, and read a date from it, and the witness handed it to you and you have now placed [411] it on counsel's table.

Q. (By Mr. Bruckner): In that period of time, Mr. Slayden, there were talks about plans to put in machines to replace some of the employees, is that correct?

A. There was plans to put in the machinery along while before they ever talked to the employees. Even before we talked to the employees we had plans in our office for this machinery to candle eggs.

Q. (By Trial Examiner Bennett): It has been under consideration for some years?

A. Yes, sir.

Q. (By Mr. Bruckner): Has any decision been reached about that? A. No, sir.

Q. Was any decision reached about that around September of 1953? A. No, sir.

Q. No decision had been made at that time?

(Testimony of Cecil Slayden.)

A. No, sir, no decision.

Q. Nevertheless, you felt it necessary to mention this to Mrs. Jensen?

A. Providing that the demands got so great that these producers wasn't making any money, we would have to do something to cut the overhead. That was the way I mentioned it.

Q. You also mentioned, as I recall——

Mr. Bruckner: Strike that. [412]

Q. (By Mr. Bruckner): Didn't you say something to the employees about that you prefer them to deal with you directly, that they had plenty of economic power on their own?

A. I told Ruthe Jensen, I didn't say why they didn't come to talk to me, I said they could bargain with me, I am open-minded on bargaining.

Q. Yes, sir. And didn't you also tell the employees that on Saturday, September 26?

A. No, sir.

Q. You did not say that to them at that time?

A. No, sir.

Q. You say that your car is there for the use of the employees, your car there is for the use of the employees if they want it? A. Yes, sir.

Q. Which car is this, your company car or your personal car? A. Personal car.

Q. When was the last time before September 26 that you lent your car to employees?

A. I don't know. I didn't keep any dates on it.

Q. How often before September 26 during the year 1953 did you lend your car to employees?

(Testimony of Cecil Slayden.)

A. Oh, I would say as close as, many times as, a half a dozen times a year.

Q. Yes, sir. Were you present on October 5 when Mr. Lott and Mr. Doss came down to the plant to speak to the employees? [413]

A. No, sir.

Q. You don't know, then, if they inquired for permission to you? A. Not——

Q. Of your own knowledge, you don't know, do you? A. No, sir, I don't.

Q. Did you pay the employees or did the company pay the employees on Saturday, September 26, for the time they took off? A. Yes, sir.

Q. You mentioned that it is customary, as I recall, for the employees to start cleaning up as soon as they finish the eggs they are on?

A. Yes, sir.

Q. You also stated, as I recall, that the customary time was about 11:30 on Saturdays, when they were working Saturdays——

A. Well, I think some of the girls worked later than that on regular Saturdays.

Q. Yes, sir.

A. Anywhere from 11:30 to 15 minutes to 12.

Q. And from 11:30 to——

Mr. Bruckner: Strike that.

Q. (By Mr. Bruckner): Let me put it this way, the time after 11:30, or whenever they quit, whichever is later, as I understand, or had finished their job, the time from then on until 12 o'clock was usually used in cleaning up, was it not? [414]

(Testimony of Cecil Slayden.)

A. Not always.

Q. Wasn't it customary for the girls to leave not before 10 minutes or 5 minutes to 12?

A. Yes.

Q. When did they leave?

A. They left anywhere from 20 minutes on up to 5 and 10 minutes to 12.

Q. Yes, sir. They had to clean up first, though, didn't they?

A. They didn't always do it.

Q. They were supposed to clean up?

A. Well, that is their orders, to clean out the booths each night, yes, sir.

Q. Do you remember talking to any girls out in the car on Saturday, September 26?

A. Yes, sir.

Q. Mrs. Panter, Mrs. Pharris?

A. Yes, sir.

Q. Did you tell them anything about getting Saturdays off?

A. I told them that it had, that we had had Saturdays off the year before and that our business now was down to where there was a possible chance that we could give them Saturday off.

Q. And immediately following they did start to get Saturdays off, is that correct?

A. Yes, sir.

Q. And immediately following that, as a matter of fact, didn't [415] you give an option to employees of working Saturdays, if they wanted to?

A. No, sir.

Q. They did not get that option?

(Testimony of Cecil Slayden.)

A. No, sir.

Q. Did you ever say to any of the employees, "You don't need a union; if you let me know what you want, if it is not unreasonable, I will try to get it for you"? A. No, sir.

Q. Didn't you say that to Carrie Tofanelli?

A. No, sir. I never talked to Carrie Tofanelli personally.

Q. Well, in front of other people, in front of other employees?

A. No, I didn't talk to her in front of other employees, either.

Mr. Bruckner: That is all.

Mr. Eberle: We rest, Your Honor.

* * * * *

ERMA HERZINGER

a witness called by and on behalf of General Counsel, on rebuttal, having been previously sworn, was examined and [416] testified further as follows:

Direct Examination

Q. (By Mr. Bruckner): Mrs. Herzinger, you are the same Mrs. Erma Herzinger who testified earlier in this proceeding, aren't you?

A. Yes.

Q. You know, you are still under oath?

A. Yes.

Q. Erma, you know Zina Jensen, do you?

A. Yes, I do.

Q. When you spoke to her about signing up, or

(Testimony of Erma Herzinger.)

signing an authorization card for the union, did you mention the word "firing"?

A. No, I never mentioned it.

Q. Did you say to her in words or effect that if she did not join the union she would be fired?

A. No.

Q. Did you ever say that to anybody?

A. No, sir. [417]

* * * * *

CERTIFICATE

This is to certify that the attached proceedings before the National Labor Relations Board for the 19th Region in the matter of: Idaho Egg Producers were had as therein appears, and that this is the original transcript thereof for the files of the Board.

ACME REPORTING COMPANY,
Official Reporters.

/s/ By VERNON KELLER,
Field Reporter

